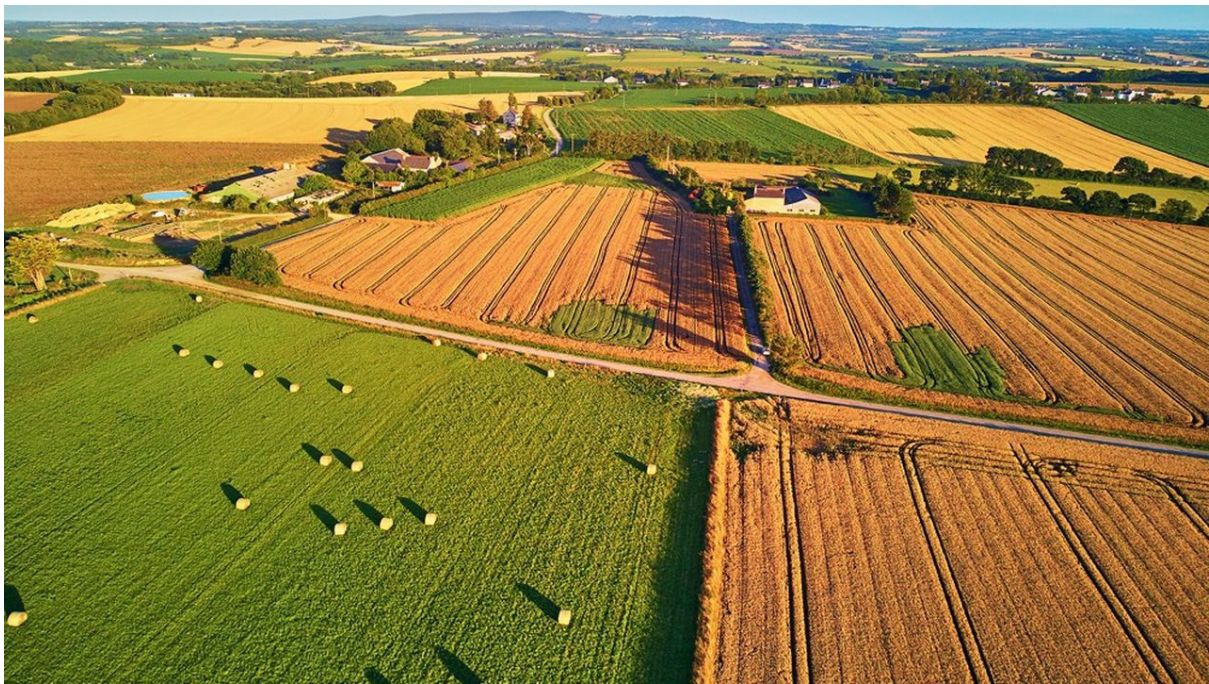




REVIEW OF SCHEMES FOR THE ENHANCED PROTECTION OF AGRICULTURAL LAND - ZAP AND PAEN TYPES - IN FRANCE



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Study initially carried out by Zoé Foulon
Trainee in the FN Safer *Studies, Monitoring and Forecasting*
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This study is part of the historic collaboration between FNSafer and the Terres en villes network, particularly around the creation of the Périmètre de protection des espaces agricoles et naturels périurbains (PAEN) scheme in the early 2000s. A new partnership between these organisations in 2024 led to this assignment, which aims to draw up an updated inventory of measures for the enhanced protection of agricultural land in France, including Protected Agricultural Zones (ZAPs) and PAENs.

It highlights a number of measures to protect agricultural land:

- **ZAPs** as a means of combating urbanisation while preserving agricultural land. Playing a role in the protection of strategic land, their use as a political tool can face opposition when they are set up, underlining the importance of leadership for their long-term survival.
- The **PAEN**, a territorial project based on a dual objective of protection and promotion, both in agricultural and environmental terms. Projects of this kind are born out of dialogue between local authorities and the farming profession, but they also raise the challenges of governance in the face of territorial change, concerns about pre-emption rights, and the financing of actions.

The artificialization of land in France represents a major challenge for the preservation of natural, agricultural and forest areas. This phenomenon results in the artificialization of **20,000 to 30,000 hectares of land every year**, at a rate almost four times higher than demographic growth. Agricultural land, which covers around half of France, is particularly hard hit. The Utilised Agricultural Area (UAA) has fallen from **34 million hectares** in 1950 to around **27 million** today.

Faced with these challenges, the public authorities have developed land preservation strategies through a series of laws. **The Solidarity and Urban Renewal Act (SRU)** of 2000 introduced new territorial planning tools: the Local Urban Plan (PLU) and the Territorial Coherence Scheme (SCoT). The aim of these tools is to reconcile the various challenges of regional planning, such as ecological quality, urban development and the new energy and food issues. The main aim is to limit conflicts of use and steer territorial transitions in a coherent way, integrating economic, social and ecological dimensions, while preserving limited land resources.

The Grenelle I Act (2009) and the **Grenelle II Act** (2010) highlighted the importance of limiting the consumption and artificialisation of agricultural and natural land. They have strengthened the obligation to integrate the fight against the reduction of these areas and against urban sprawl into urban planning documents such as PLUs and SCoTs. The inter-municipal Local Urban Plan (PLUi) has been introduced to manage these issues on an inter-municipal scale. However, despite these measures, land management remains mainly focused on the short or medium term, with urban planning documents that are regularly revised, which can encourage urban development to the detriment of conservation objectives. In view of these limitations, the introduction of perimeters such as PAENs or ZAPs makes it possible to submit urban planning documents that are difficult to revoke, making them part of long-term management.

Key figures and dates :

1999: LOA, integration of agriculture into the regional project by recognising its multifunctionality

2000: SRU law, creation of PLUs

2005: Legislation on the development of rural areas, creation of PAENs

2009: Grenelle I law

2010: Grenelle II law

20,000 to 30,000 ha urbanised per year in France

-7 million ha of UAA between 1950 and 2022

7.81% of farmers in total employment in 1982, 1.5% in 2019

Source: FNSAFER, 2022

How a ZAP works :

- It is created by prefectoral decree or by proposal and agreement of the municipalities concerned. It can only be modified by another prefectoral decree.
- The ZAP has the status of a public utility easement and is governed by the French Rural Code, which means that its sole purpose is to protect agricultural areas because of the quality of their production, their location or their agronomic quality.
- Attached to the PLU, this enables the relevant local authorities (CDOA, Chamber of Agriculture) to control changes in land use, in addition to the obligatory agreement of the Prefect in the case of a validated modification.

How a PAEN works :

- Resulting from the 2005 Law on the development of rural areas, the PAEN is an optional competence of the département or the SCoT structure. It is based on an action plan tailored to the specific characteristics of the area and developed by the département in consultation with various local and environmental bodies.
- Its perimeter, defined with the agreement of the municipalities and various opinions, must be compatible with higher-level planning documents. It is enforceable against PLUs and excludes certain areas that could be developed.
- The approval process involves a public enquiry and a decision by the departmental council or the EPCI. Any change to the perimeter requires an interministerial decree.
- The PAEN confers a specific right of pre-emption, generally exercised by the Société d'Aménagement Foncier et d'Etablissement Rural (SAFER).

The geographical distribution of ZAPs and PAENs in France reveals significant disparities: **10** regions and **33** départements are covered by ZAPs, compared with **8** regions and **11** départements for PAENs. Despite their smaller number, the PAENs will cover a larger area in 2021, covering **123,300 hectares**, more than double the ZAPs, which cover **59,922 hectares**. The geographical distribution highlights areas where land is under pressure, particularly in south-eastern France and the Loire Valley.

This raises legitimate questions about the true scope of these measures. What is the impact of perimeters designed to protect agricultural and natural land from urbanisation? **To what extent do ZAPs and PAENs manage to go beyond mere sanctuaries and become part of or initiate new agricultural dynamics in the areas concerned?** What factors facilitate the emergence of new dynamics in protected areas?

In addition to a national overview, this update is based primarily on a study of the PAEN and ZAP perimeters in 4 French départements

Isère (38)

Loire-Atlantique (44)

Maine-et-Loire (49)

Rhône (69)

I - THE ZAP: COMBATING URBANISATION BY PROTECTING AGRICULTURAL LAND

Protected Agricultural Areas (ZAPs) currently cover 59,922 hectares in mainland France, spread over 95 zones. Their surface area varies considerably, from 15 hectares for the ZAP at Les Baumettes (Vaucluse) to 3,044 hectares for an inter-municipal ZAP in the Loire.

Only 17% of ZAPs are inter-municipal, with an average surface area of 630 hectares. Created primarily to preserve the agricultural vocation of land in the face of urban pressure, these zones also aim to promote the specific characteristics of local produce. However, the farming profession remains wary, fearing that these measures are more about political posturing than real protection. The relevance of the tool is questionable, particularly in view of the risk of land becoming overgrown in the absence of a regional dynamic, raising questions about the ability of stakeholders to maintain the usefulness of these areas in the long term.

ZAPs can be established on land of interest in terms of production quality, geographical location or agronomic quality, in accordance with **article L 112-2 of the French Rural and Maritime Fisheries Code**.

The creation of a ZAP is often motivated by :

- Land pressure linked to the proximity of urban areas, as shown by their geographical distribution
- A political will to counter specific development projects, as in the case of the inter-municipal ZAP of the Plaine de l'Ousse, which aimed to prevent the creation of a water reservoir.
- Preserving the landscape and the quality of life can also justify the introduction of a ZAP, as in Chécý, where it is used to communicate efforts to preserve the quality of life.
- Facilitating the transfer of farms and the installation of young farmers (the ZAP secures investment in farm buildings and equipment)

In 2024, in departments such as Maine-et-Loire, the Prefect was heavily involved and motivated, particularly in the face of municipalities that wanted to revert to ZAP boundaries. This motivation is based on the fact that the ZAP protects much more than the A and N zones of the PLUi, making it a meaningful tool in areas facing strong land pressure. In any case, it is not in the prefect's interest to go back on the ZAPs, notably because of the administrative burden (need to go back, relaunch a public enquiry, etc.). Relaunching a public enquiry would have a bad effect, as it would be more visible than reducing the A perimeter of the PLUi.

Motivations may depend on complex political considerations, over and above the simple protection of agricultural land. Some elected representatives use these measures to legitimise urbanisation elsewhere on their territory, prompting criticism from the farming profession. Cases of ZAPs created as a direct counterweight to major development projects, such as the Grand Stade Olympique in Lyon, illustrate this ambivalence. Although contested, these strategies are sometimes accepted by farming unions as a "lesser evil". Other criticisms relate to the creation of ZAPs in areas that are under little threat from urbanisation, which are perceived as mere political posturing. Despite these controversies, the farming profession generally tends to support the creation of ZAPs, however imperfect, in the face of growing urban pressure, considering that any protection is preferable to no measures at all.

It can also give rise to opposition from farmers who own the plots concerned. This reluctance is often linked to individual interests, in particular the hope of realising capital gains if the use of the land is changed. Setting up a ZAP therefore requires a great deal of political courage on the part of local elected representatives, as it maintains the agricultural vocation of the land and freezes its price at the level of agricultural land, which is much lower than that of building land, thereby countering the phenomenon of land retention. This situation can lead to pressure from landowners when revising the PLU, for fear of losing the opportunity to make substantial gains.

A final question concerns the role of government departments in setting up such areas. There are very few cases of ZAPs being managed directly by prefectures, especially as they run the risk of provoking strong reactions by imposing an initiative from "above". Local political support is therefore better suited to guaranteeing acceptance of the project.

ZAPs: how do you make them sustainable?

While ZAPs make it possible to protect agricultural land, they do not impose an action programme, which often limits the dynamics of coordination around these perimeters. Unlike PAENs, which include concrete actions to address agricultural issues, ZAPs are generally confined to land protection, which can raise questions in areas facing more complex agricultural problems. However, a number of local initiatives show that land protection can be a starting point for collective projects. For example, in the Yvelines and Maine-et-Loire regions, associations of farmers and local players have played a key role in promoting and developing protected areas, regardless of the vagaries of elections. These partnership initiatives, sometimes supported by local authorities or chambers of agriculture, demonstrate that the effectiveness of a ZAP depends

largely on the commitment of local players and their ability to go beyond mere land protection to develop structuring and innovative projects.

"The defensive aspect is well integrated, the programmatic aspect a little less so. The ZAP makes it possible to protect a label or a specific type of production, but it is still impervious to an environmental perspective, because it is a tool derived from the rural code".

Head of the Urban Planning and Development Unit at the Direction Départementale des Territoires du
Maine-et-Loire

In short, some départements are now opting for PAEN-type perimeters because of their programmatic aspect, unlike ZAPs, which are very rarely accompanied by an action plan. This is particularly true of the Rhône and the Lyon metropolitan area, which no longer have any ZAP zoning, in favour of extending the PAENs in the area.

II- THE PAEN: PROTECTING AGRICULTURAL AND NATURAL AREAS, AND DEVELOPING AGRICULTURAL PROJECTS TO ADDRESS LOCAL ISSUES

Although there are fewer of them than ZAPs, PAENs (or PENAPs) cover a larger area of France. There are many reasons for their creation:

- The **protection of agricultural**, natural and forestry **land** from urbanisation is by definition the most common reason.
- The desire to **counterbalance** certain **major projects**
- **Combating the retention of land** and its consequences: **the abandonment of** agricultural plots, the **insecurity of** farmers in peri-urban areas, **etc.**
- Combating the misuse of sites, in particular **dwellings**

The creation of a PAEN is based on a collaborative approach between the département, the Chamber of Agriculture, local authorities and local players, with the aim of protecting farmland in the long term while at the same time promoting the work of the farmers involved. The process begins with the collective definition of the perimeter, initiated by public meetings and workshops where farmers, elected representatives and technicians work together to identify the plots of land to be protected. Although the methodologies vary from one area to another, the aim remains to ensure consistency between the farmers' proposals and those of the local councils. In Isère, an extended steering committee also includes environmental and regional stakeholders to ensure a comprehensive approach. Once the route has been approved by the département, the consultation process continues with the development and implementation of an action programme, reinforcing the partnership commitment throughout the project.

The **action programme** associated with the PAEN transforms the system into a genuine management tool for local public action, going beyond simple land protection. It is drawn up in close collaboration with the farming profession and local authorities, and also involves other institutional players such as the Chamber of Agriculture and the National Forestry Office. The co-construction methodology varies from region to region, but generally includes participatory workshops attended by elected representatives, farmers, environmental associations and local

residents. These sessions help to identify local issues, define thematic priorities and propose concrete actions.

It is generally structured around these **5 axes**:

- **Land**
- **Agricultural activity**
- **Links with civil society**
- **Managing water resources**
- **Natural and landscape heritage**

It is easy to see the high proportion of actions focused on agriculture in all the programmes. Orienting projects towards agricultural activity is above all a political choice, and some claim that it is a necessary decision to compensate for the multiplicity of environmental policies that already exist, including in particular that for sensitive natural areas (ENS). While environmental associations have very little involvement in monitoring committees and decision-making, other players are questioning this imbalance, particularly because of the name given to the PAEN scheme, which should ensure an equal share of agricultural and environmental actions.

The implementation of PAENs, supported by the départements, requires complex coordination between the various levels of public action. While the agreement of the communes is essential for defining the perimeter, their proximity to the area and their knowledge of the local context are essential for mobilising the players.

However, a number of obstacles remain:

- The **difficulty of reconciling long-term planning with electoral issues or legal constraints**, such as the SRU law on social housing.
- **A lack of dedicated funding and/or a lack of political support**, making the management of PAENs uneven from one region to another. This situation reflects the ongoing renegotiation of agricultural powers between the various territorial levels.

The scheme, initially supported by the départements, is undergoing changes in its management following legislative changes, in particular the NOTRe law. Faced with budgetary constraints and the loss of certain powers, the départements are sometimes finding it difficult to fully manage the PAENs. In response, a new model is emerging, based on collaboration between the départements and inter-municipalities. The départements often retain the political leadership and the strategic vision, while the intercommunal bodies, which are closer to the grassroots, take charge of coordination and practical implementation. This division of responsibilities means that we benefit from both the legitimacy and global vision of the département, and the local roots of the intercommunal bodies. However, this model does face challenges, particularly in terms of the links between the different levels and territorial policies. The example of the Lyon metropolitan area, with its extended powers, illustrates the complexity of this new organisation. Despite these difficulties, this collaborative approach seems promising for ensuring effective and appropriate management of the PAENs, by combining a departmental strategic vision with local implementation.

The right of pre-emption linked to the PAEN: a controversial tool, but in reality little used

The PAEN confers a specific right of pre-emption on the département, which can be delegated to the SAFER. The main aim of this right is to prevent the misuse of agricultural land and to guarantee its agricultural vocation. However, its use has given rise to debate within the farming profession. Some fear that this right could be used to impose additional environmental constraints or to steer production towards certain types of agriculture. The growing expertise of local authorities in agricultural and food issues, particularly through Territorial Food Projects (TFPs), is accentuating these concerns. Tensions between urban and rural visions of agriculture are crystallising around the use of this right of pre-emption. Nevertheless, the PAEN, through its participatory dimension, can also be a tool for dialogue to deflate the potential for conflict and reconcile the different approaches to agriculture and food in an area.

Overall, most PAEN sponsors do not make the right of pre-emption the core of their strategy, but rather a land management tool that can remain a symbolic right. In reading the objectives formulated by the departments of Loire-Atlantique and Rhône in their new PAEN (or PENAP) action plans, the aim of the department or local authorities is not to buy land but to act as an intermediary in maintaining the quantity and quality of agricultural land in the area. These objectives are set out in an update to the action plans, which was adopted in March 2024 in the Rhône and will take effect in 2025 in Loire-Atlantique.

"The right of pre-emption is seen more as a deterrent. It's never worth going so far as to use this right

Elected member of the Pays de la Loire Chamber of Agriculture, interview conducted by Terres en villes in October 2024

Efficiency based on a relevant financing method adapted to the region

There are two main approaches:

- **The funding of coordinator posts:** this often enables PAEN to be better integrated into existing policies and is based on a long-standing collaboration between local authorities and farming organisations.
- **Direct support for specific projects** through calls for proposals. A wide range of initiatives are funded: reclaiming wasteland, purchasing innovative equipment, setting up farmers, awareness-raising initiatives or diversification projects. In 2024, for the Lyon metropolitan area, the amounts allocated vary from €2,000 to €100,000 per project, with an average of €340,000 to €420,000 in aid paid out per call for projects. Calls for projects promote innovation and the long-term future of agriculture by supplementing traditional funding (EAFRD, CAP).

Since 2022, in the Rhône department and Greater Lyon metropolitan area, the programme of calls for agricultural projects has been reduced to a single annual wave due to increasing budgetary constraints. The scheme currently aims to fund 30% to 40% of projects, particularly those undertaken by young farmers to help them set up, with aid of around €2,000 per project. The number of applications submitted has risen from around twenty in 2018 to 35-50 today, with aid

tailored to the type of farmer. However, current budget cuts pose a major challenge for metropolitan areas. Although PENAP aid is a valuable complement to EAFRD subsidies, these restrictions could lead to a stricter selection of applications, prioritising, for example, young farmers or small farms that have less access to European funds. This could also reduce investment in PENAP coordination, which is supported by the Chamber of Agriculture and 70% funded by the metropolitan authority. In addition, the complete dematerialisation of administrative procedures complicates access for some farmers who are not very comfortable with digital tools, sometimes requiring direct assistance to fill in the forms online, provided by the Chamber of Agriculture.

Finally, with regard to knowledge of the PAEN perimeters and their appropriation by the players concerned, several of the departments are calling for an improvement in the communication surrounding these projects, which may be erroneous or absent. On the one hand, there is a need to overcome certain *preconceptions* about how they work and "to constantly defuse rumours about PENAPs", according to the Rhône Chamber of Agriculture. A number of farmers have misconceptions about these perimeters: the obligation to convert to organic farming, the ban on building, perimeters that are supposed to last 30 years when in reality they are set up for the longer term.

On the other hand, the PAENs are coming up against challenges in terms of cohabitation between the various players and users of the areas concerned. The preservation of agricultural land is gradually emerging as a fundamental issue in guaranteeing local agriculture and meeting local food needs. This implies a collective awareness, including among the general public, of the importance of protecting these areas to ensure their long-term survival. Although these tensions were not foreseen at the outset, they now require specific action to step up communication and raise public awareness. These initiatives, such as those set up by the new PAEN action plans in Loire-Atlantique, are now part of a local authority strategy to improve understanding of the issues involved. In addition, the governance of the PAENs could be improved by tools such as a newsletter or a dedicated website, making these schemes more visible and accessible.

III- ELEMENTS OF EVALUATION AND AVENUES FOR REFLECTION

PAEN and ZAP-type perimeters have a number of consequences for the dynamics of regional land ownership:

Impact on prices: zoning can have a direct impact on the price of agricultural land. In Maine-et-Loire, the creation of the Sainte-Gemmes-sur-Loire and Les Ponts-de-Cé (49) ZAPs has led to a new availability of land, with a drop of around €1 in the price per m². When the ZAP was set up, the association set up to run the zone wanted to ensure that land was not sold for more than €2.5 per square metre (whereas prices could have been as high as €3.5 per square metre before the ZAP was created), and this has worked. However, there is still a very high level of land retention, despite the price reductions observed on sales made after the creation of the ZAP.

"PAEN sends out a strong message, saying 'This is an A zone and it's going to stay an A zone', so there's no point in holding back land because nothing is going to happen".

Elected member of the Pays de la Loire Chamber of Agriculture, interview conducted by Terres en villes in
October 2024

Impacts on land mobility: the aim is to get a message across to landowners, who are forced to understand the need to rent or sell their land, which cannot become building plots. This prevents land fragmentation and limits urbanisation, as has been successfully done in Isère and Maine-et-Loire. However, this impact is gradual, or even weak, insofar as many owners are unaware of the long-term classification of their land. There is a need for more information campaigns and for additional procedures to be put in place to prevent land from becoming uncultivated and being retained.

Impacts on the transfer of land pressure outside the ZAP/PAEN perimeters: these perimeters may lead to a risk of a "perverse effect" of sanctuarisation, although this effect is difficult to quantify. In any case, this deferral of pressure can have a positive effect on attracting local authorities to set up such areas. This is what has happened with the neighbouring communes of the Portes de l'Isère PAEN.

In short, the effectiveness of measuring these impacts could be better guaranteed by the use of other tools for assessing land dynamics (prices, retention, carryover), for example by setting up local market analyses.

How do the tools for protecting agricultural land fit in with the "zero net artificialisation" (ZAN) objective¹ ?

While their relevance is being called into question in the light of changes in regulations on soil artificialisation, the ZAPs and PAENs are seen by all the players interviewed as tools that are consistent with the objective of Zero Net Artificialisation (ZAN). But are they still justified? Some stakeholders feel that these measures could become obsolete with the introduction of ZAN at , while others stress their continuing importance in combating land pressure and supporting long-term agricultural projects.

ZAPs and PAENs offer greater protection for agricultural land, facilitating the transfer of farms and enabling sustainable investment. What's more, the action programmes associated with the PAEN help to initiate important territorial dynamics, particularly through the updated versions of the latter. Although the ZAN aims to limit urbanisation, its effective implementation will take time and its register is more accounting than programmatic, thus justifying the continued creation of ZAPs and PAENs. These tools remain relevant for supporting the ecological transition and the evolution of agricultural and food models, over and above simple land conservation.

¹ In August 2021, the so-called *Climate and Resilience Act* set the target of halving the rate of artificialisation of agricultural and natural areas by August 2031 and that of ZAN by 2050. Directly inspired by the proposals of the *Citizens' Climate Convention*, this law calls for a shift away from the economic model of territorial development centred on artificialisation.

IV - PROPOSALS

The resumption of this study, initially carried out in 2022, is based on both a literature review and interviews with key players in the four areas studied (départements, EPCIs, chambers of agriculture). This work has made it possible to renew the proposals concerning the management of perimeters protecting agricultural land. At the crossroads of technical and political dimensions, these recommendations offer interesting prospects for the future of PAENs and ZAPs.

- 1) Ensure that the development process is as concerted as possible so as not to clash with the farming profession
- 2) Evaluate the impact of these measures by setting up observatories of land dynamics within the areas concerned
- 3) Requiring Regional Plans for Spatial Planning, Sustainable Development and Equality (SRADDET) and Territorial Coherence Plans (SCoT) to take these protection measures on board.
- 4) Work on the legal aspects of the PAEN to adapt the tool to legislative changes
- 5) Improve the promotion of enhanced protection for agricultural land in national bodies
- 6) Create a national network of ZAP and PAEN structures

In the final analysis, this study provides a comprehensive overview of the measures taken to provide greater protection for agricultural land in France, which, in the face of the increasing artificialisation of land and the shrinking of the Utilised Agricultural Area, appear to offer practical solutions for preserving agricultural land. On the one hand, the ZAPs are proving effective in combating urbanisation, although their introduction can give rise to opposition and their long-term survival often depends on ongoing coordination. On the other hand, PAENs offer a more comprehensive approach, combining land protection and an action programme, thereby encouraging a stronger territorial dynamic.

Despite their operational differences, these two mechanisms play a crucial role in preserving agricultural areas, particularly in peri-urban areas where land is under pressure. To make them more effective, it would be worth considering better links between these tools and other territorial planning mechanisms, while encouraging more inclusive governance and sustained territorial coordination, in order to guarantee the sustainability and acceptability of these protection areas.