

# Zero net artificialisation and the challenge of reindustrialisation

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# The French "ZAN" system: a binary approach



# 1. French "ZAN" system: a progressive two-steps trajectory

## First step: Control urban sprawl

**2021-2031:** reduce the rate of consumption of natural, agricultural, and forest areas (ENAF) by half compared to the previous decade (2011-2021).

ENAF consumption: using natural, agricultural, and forest areas for the creation or expansion of urbanized spaces.

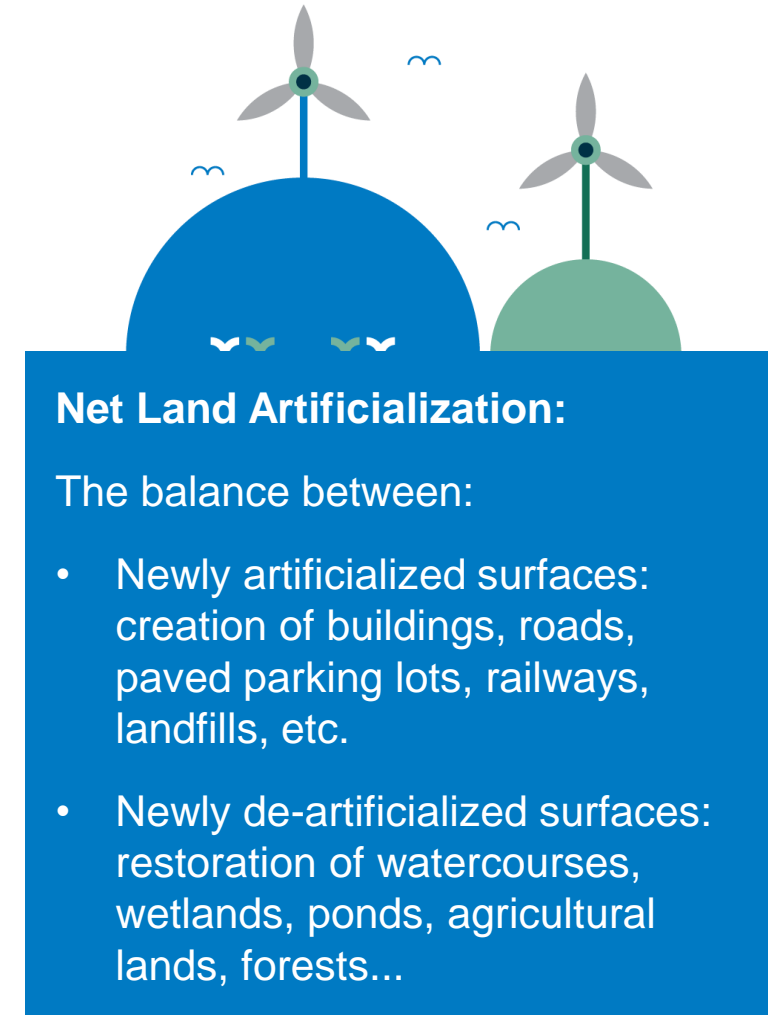
This goal aims to reinforce and amplify the already observed decreasing trend in ENAF consumption.

## Second step: Protect living soils

**2031-2050:** achieve zero net land take by 2050.

Land artificialization: the permanent alteration of the ecological functions of soil, as defined by the Climate and Resilience Law.

This step includes protecting living soils, even within already urbanized areas, as part of urban planning and land use documents.



## 1.1. French "ZAN" system: incorporation into planning documents

### Significant planning work in the territories

The reduction trajectory proposed by ZAN objectives significantly impacts territorial management, particularly their urban planning documents.

1. **Regional schemes** (SRADDET, SDRIF, SAR...) must integrate and territorialise these objectives by **November 2024**.
2. **Territorial coherence schemes** (SCoT) must apply the ZAN trajectory by distributing the objectives across each PLU by **February 2027**.
3. **Local urban plans** (PLU) and communal maps must be adapted by **22 February 2028**, redefining, for example, the land use coefficient, and determining which areas to develop for housing or commercial zones based on soil characteristics.

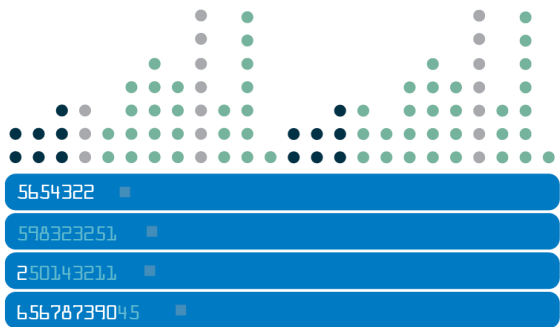


If the ZAN objectives are not incorporated into the PLU: no planning permission may be granted

# 1.2. French "ZAN" system: categorization of land

From 2031 onwards, the balance between artificialised and de-artificialised areas will be assessed in terms of the categories listed in the nomenclature appended to article R. 101-1 of the French Town Planning Code.

Areas will be classified in these categories according to the actual land use observed and not according to the zoning of the local land use plan ("PLU").



Category	Description
Artificialised	- Surfaces where the soil is either impermeable due to buildings or coverings, stabilised and compacted, or made of composite materials.
	- Herbaceous vegetated surfaces used for residential, secondary or tertiary production, or infrastructure.
	- Surfaces under construction or abandoned.
Non-artificialised	- Surfaces that are natural, bare or water-covered, vegetated constituting a natural habitat or used for cultivation, including urban agriculture surfaces and wooded or shrubby areas in urban spaces.
	- Surfaces used for agricultural cultivation that are fallow.
	- Vegetated surfaces used for parks or public gardens, regardless of the type of cover (wooded or herbaceous).
	- Vegetated surfaces with photovoltaic panel installations that meet technical conditions ensuring they do not permanently affect the soil's ecological functions or its agronomic potential.

## 1.3. French "ZAN" system: an accounting approach

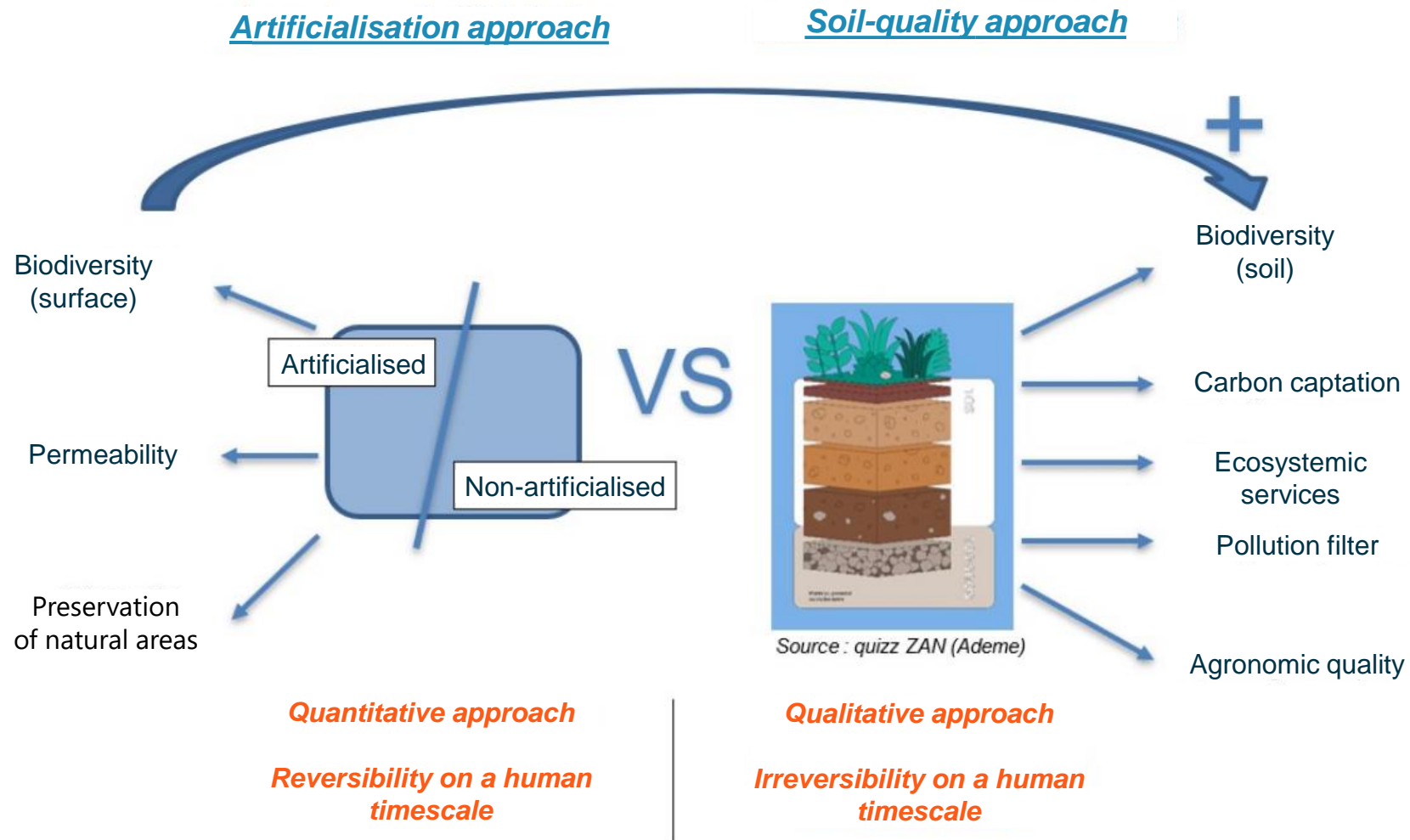
The legislator adheres to a **binary approach** to soils: a soil is either artificialised or not.

Despite an ambitious strategy to combat artificialisation, the legal framework remains deaf to soil quality:

- The current legal framework lacks criteria for soil quality or health, unlike water and air, which have defined quality limits.
- Regulation does not set "target values" for defining good quality soil.
- This myopia regarding soil quality is detrimental to a coherent protection strategy.



## 1.3. French "ZAN" system: an accounting approach



Source: Senate monitoring group on soil artificialisation

## 1.4. Evolutions of legal framework

### Current implementation of ZAN:

- ZAN still needs to be improved to become a genuine tool for improving soil condition.
- Adjustments aimed at reconciling sober land use and economic development of the regions.

### Key laws addressing these challenges:

- **Law of 20 July 2023** to facilitate the implementation of land artificialisation reduction objectives and strengthen support for local elected officials.
- **Green Industry Act of 23 October 2023** positions France as the green industry leader in Europe.

Provide tools for land recycling.

Allow exceptions to ZAN for certain strategic projects.



# 2 Reconcile ZAN and development: land recycling



## 2. Facilitate land recycling

### ➡ Green Industry Act

#### Improvement of the third-party applicant procedure:

- The law imposes an obligation on former operators to restore the site to its original state within 30 years of closure.
- Since 2014, to encourage the rehabilitation of brownfield sites, the legislator has allowed this restoration obligation to be transferred to a third party known as a third-party applicant.
- Prior to the Green Industry Act, this procedure did not fully release the last operator from its obligation. It remained liable on a subsidiary basis.
- This procedure is not widely used (around 20 per year according to a 2021 study).

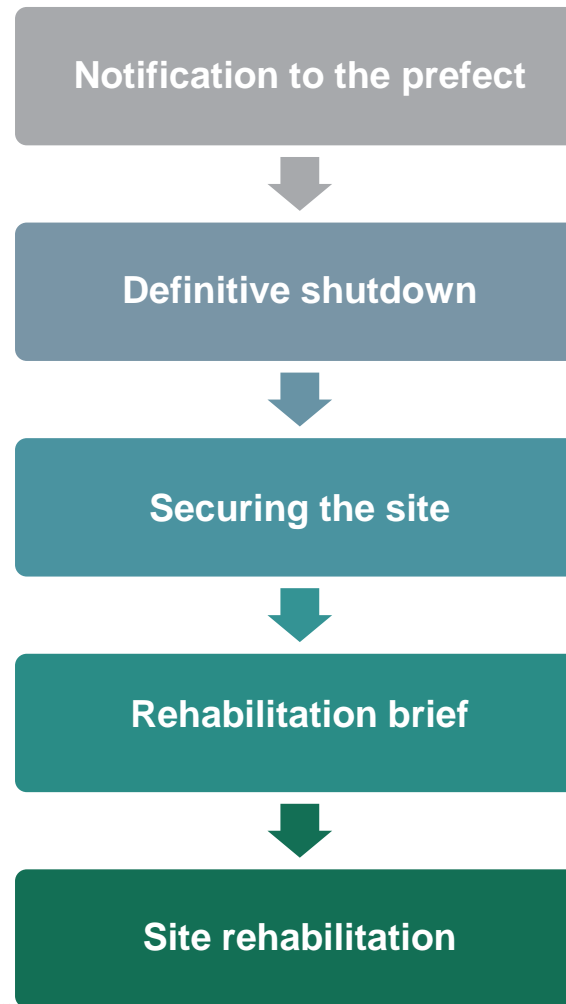


## 2. Facilitate land recycling

➡ Chronology of the rehabilitation procedure and improvements by the Green Industry Act

### Before the green industry act

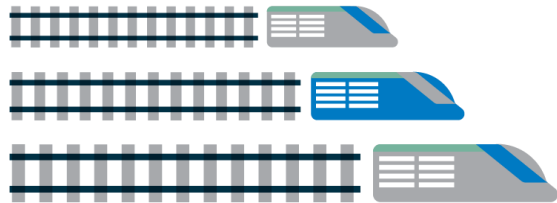
- Possibility of requesting substitution before shutdown
- Substitution of the last operator by the third-party applicant for the rehabilitation
- In the event of default by the third party, the last operator must implement the rehabilitation measures



### After the green industry act

- Possibility of requesting substitution after shutdown
- Substitution of the last operator by the third-party applicant for the rehabilitation and safety measures
- In the event of default by the third party, the last operator is only responsible for safety measures (minor measures: removal of waste and fire-risk materials, fencing, etc.)

## 2. Facilitate land recycling



### Digital Tools:

"Cartofriches" has catalogued nearly 10,000 brownfield sites

"UrbanVitaliz" assists local authorities with brownfield recycling projects.

- **A clearer definition of brownfield sites:** Two cumulative criteria for brownfield sites (Decree n° 2023-1259 of 26 December 2023):
  - ✓ The property or real estate right, whether built or unbuilt, is unused.
  - ✓ Reuse is not possible without prior development or works.
- **Exclusions:** Agricultural or forest lands and naturally renatured lands are not considered brownfields.
- Between **90,000 and 150,000 hectares** of industrial brownfields in France
- **Funding and support:**
  - The **brownfield fund**, with €750 million allocated for 2021-2022 under the Recovery Plan
  - The **Green Fund**, has supported 1,382 projects, recycling 3,375 hectares of brownfield sites.
  - The **Gaïa Territorial offer**: (Banque des Territoires) a loan to support public actors in their projects to rehabilitate industrial brownfields, preserve natural and agricultural spaces, and reduce land artificialisation.

# 3

## Economy first: exemptions for strategic projects

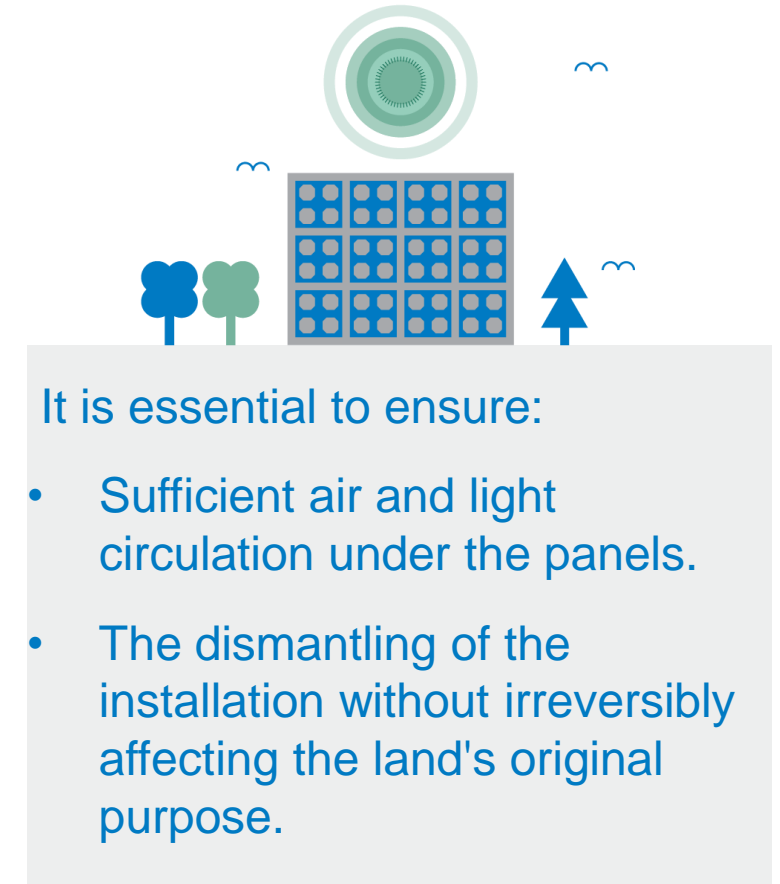


### 3. Exceptions for specific projects

**Photovoltaic installations** are not included in the consumption of ENAF (art. 194, III, 6° Climate Law)

Conditions:

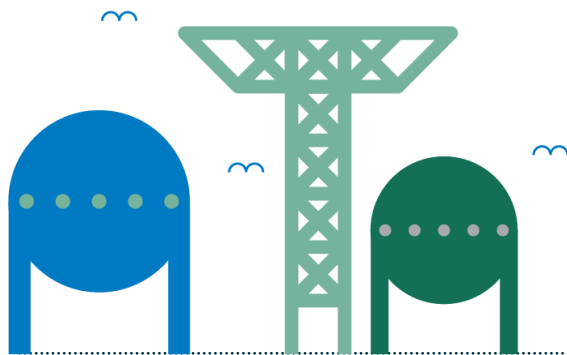
- **Reversibility of the installation.**
- The photovoltaic installation must not permanently affect the **soil's ecological functions** or its agronomic potential.
- The installation must not be incompatible with agricultural or pastoral activities on the land, if the land is designated for such purposes.



### 3. Special treatment for specific projects

#### ➡ "ZAN 2" Law of 20 July 2023

- **Municipal guarantee mechanism:** allows municipalities to pool part of the consumed surfaces at an intercommunal level under certain conditions.
- **Consideration of specificities:** takes into account the specificities of certain municipalities (enclavement, coastal or mountain areas, agricultural issues).
- **National-level accounting of ENAF consumption** by **major national or European projects (PENE)** of significant public interest. The dedicated envelope for PENE consumption is 12,500 hectares for 2021-2031.



#### Decree of 31 May 2024 establishes a list of PENE:

- Two distinct lists based on the degree of project maturity
- Total projects: 175 projects related to energy, transport infrastructure, and industrial revitalisation.
- Land Consumption: 11,870 hectares out of the 12,500 hectares national allowance.

#### Examples:

- The Grand Port Maritime of Dunkirk
- The EPR2 nuclear power plant (Normandy)
- The electrolyser gigafactory (Burgundy)

# 4 What's next?



## 4. To be continued...

➡ Senate report on the implementation of ZAN, 7 October 2024

### Findings:

- **Consensus** on land sobriety: there is broad agreement on the need for land sobriety to preserve ecological services and biodiversity.
- Implementation challenges: the **rigid, top-down approach** of the current legislation fails to consider local realities, leading to significant difficulties and perceived injustices among local authorities.
- **Legislative adjustments** needed.

### Recommendations:

- Enhance **state support** for local authorities through funding and engineering assistance.
- Develop a sustainable, **bottom-up** approach to land artificialisation reduction.
- Ensure the strategy **aligns** with broader ecological, economic, and social challenges.



## 4. To be continued...

### ➔ Senate report on the implementation of ZAN, 7 October 2024

- The report highlights the **binary approach** between artificialised and non-artificialised surfaces.
- The notion of "**de-artificialisation**" is **misleading**, suggesting wrongly that the destruction and degradation of soils caused by artificialisation is reversible.
- A nuanced, **quality-based approach** to soil management is necessary, as recognised by the forthcoming European directive on soil health.
- Better-targeted land protection could ease the "ZAN" surface constraint, allowing for environmentally equivalent outcomes.
- The current strategy to reduce artificialisation lacks integration with other environmental and climate goals, potentially hindering decarbonisation and green industry development.
- Existing flexibilities and exemptions in the law are insufficient, particularly for smaller but essential projects.

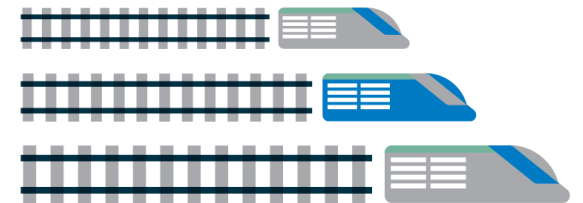


## 4. To be continued...

**New law on reducing land artificialisation:** a new bill aimed at establishing a trajectory for reducing land artificialisation ("TRACE") was submitted to the Senate on **7 November 2024**:

- Article 1 **equates the definition of** artificialisation with the consumption of ENAF.
- Article 2 **repeals the intermediate objective of halving artificialisation in 2031**. The setting of artificialisation reduction targets would still be handled by regional planning schemes (Sraddet).
- Article 3 **postpones the deadlines of 2027 and 2028** for modifying urban planning documents to include the soil artificialisation reduction targets, respectively to 2031 for SCoTs and 2036 for PLU and municipal maps.
- Article 4 **excludes the major national and european projects** ("PENE") within the ENAF consumption envelopes set at regional and local levels, ensuring these are not burdened by projects not initiated by the region or local authorities.

Michel Barnier, 29 November 2024: *'I'm in favour of exempting industry from zero net artificial development (ZAN) for a period of five years, at the end of which we will carry out an assessment'*.



# Thank you

