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ENVIRONMENTAL COLLABORATION FOR THE BLACK SEA
GEORGIA, MOLDOVA, RUSSIA and UKRAINE



This project is implemented by Consortium of Euroconsult
MottMacDonald and Milieu Ltd.

French Legislation on Coastal Zones

Stakeholder Workshop – 16 March 2009

Presented by:

Claire Dupont – Key Legal Expert



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The Legal Framework

- Law No 86-2 of 3 January 1986 on Coastal Development, Protection and Enhancement Law (Littoral Law)
- Introduces amendments and additions to a range of codes and laws, in particular:
 - The Environmental Code
 - The Urbanism Code (new chapter – conditions of use of land and marine areas in coastal areas)
 - The Tourism Code
 - The Public Health Code
 - The Municipalities Code



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Article 1 (abrogé) [En savoir plus sur cet article...](#)

Abrogé par [Ordonnance n°2000-914 du 18 septembre 2000 - art. 5 \(V\) JORF 21 septembre 2000](#)

Article 2 [En savoir plus sur cet article...](#)

Modifié par [Ordonnance n°2000-914 du 18 septembre 2000 - art. 7 JORF 21 septembre 2000](#)

Chapitre Ier : Adaptation de certaines dispositions du code de l'urbanisme.

Article 3

A modifié les dispositions suivantes :

Crée [Code de l'urbanisme - art. L146-1 \(M\)](#)...

Article 4

A modifié les dispositions suivantes :

Modifie [Code de l'urbanisme - art. L160-6 \(V\)](#)

Chapitre II : Qualité des eaux. (abrogé)

Article 9

A modifié les dispositions suivantes :

Modifie [Code de la santé publique - art. L25-5 \(Ab\)](#)

Article 10

A modifié les dispositions suivantes :

Modifie [Loi n°64-1245 du 16 décembre 1964 - art. 6 \(Ab\)](#)

Article 16

A modifié les dispositions suivantes :

Crée [Décret n°1852-01-09 du 9 janvier 1852 - art. 21 bis \(V\)](#)



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The Definition of Coastal Zone

- No legal definition
- The 'littoral' is defined as a geographical entity which calls for a specific policy of development, protection and enhancement.
- BUT the law defines what are **littoral municipalities**:
 - On the shore of seas and oceans, salted marshes, and internal water bodies of more than 1000 hectares
 - On the shore of estuaries and deltas when they are located downstream of the salted water limit and participate to the littoral economic and ecological balance.
- List of the littoral municipalities is established by Decree, after consultation of interested municipal public bodies.
- Specific rules and requirements apply in these municipalities.



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General Requirements

- *Planning documents* must define the **carrying capacity** taking into account the conservation of protected areas, areas necessary for maintainig or develloping economic activities, as well as public activities
- **Development buffer zones** preserved i.e. unbuilt areas, which separate urbanised zones. *No building permit* is granted in these areas.
- **Building developments** are allowed only in *continuity* with existing municipalities and villages, *or as isolated hamlets*. Exception: wastewater treament plants, equipment linked to agricultural or forestry activities.



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General Requirements, *cont.*

- Principle of **free public access** to the beaches
- Development operations near the shore must preserve the free access (servitude)
- **Limits:** security, national defense or environment protection requires specific provisions
- Beaches are subject to **concessions** for activities linked to beach areas exploitation, subject to conditions. Planned activities must be compatible with
 - free public access,
 - environmental protection
 - land-use of neighbouring areas



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Restrictions specific to certain areas

- **Remarkable areas** (building prohibited):
 - landscape or area remarkable or characteristic of the littoral natural and culture heritage or necessary to ecological balance or presenting an environmental interest
 - Included in the list approved by Decree
- **100 meters stripe**
 - Can be extended by the Local Urbanism Plan
 - Building prohibited with the exception of urbanised zones and buildings for which the proximity of water is necessary or necessary to public services



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Restrictions specific to certain areas

- Areas close to the shore
 - Defined through 3 cumulative criteria: visibility, distance from the shore (2 km) & the area layout
 - Extension of urbanisation is limited in these areas: it must be justified & motivated in the PLU or conform to regional planning documents. Otherwise, must be approved by the préfet with consultation of Commission on Natural Areas.



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Territorial Planning Framework



	Responsibility & scope	Content
Territorial Development Directives	Central State Large parts of the territory	Key directions of the State development policy
Territorial Coherence Schemes	Local level Inter-municipalities	Sets broad development policy objectives
Local Urbanism Plans	Local level Municipalities	Detailed urban planning



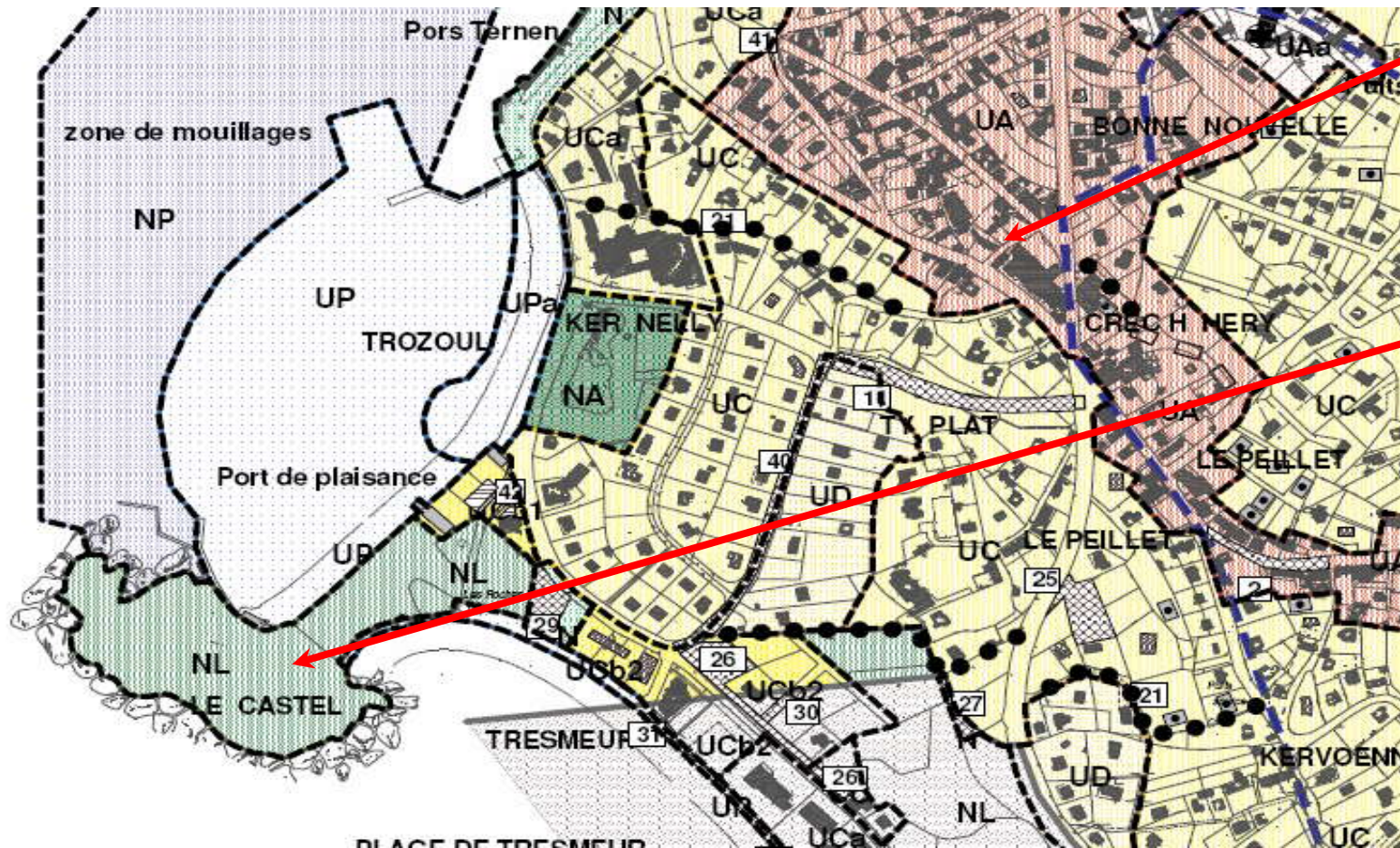
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Examples of Territorial Planning



Areas close to the shore

Remarkable areas



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The Sea Enhancement Schemes (SMVM)

- Firstly to be developed by central governmental authorities
- Same legal status as DTA
- Sets main directions; general functions of different zones incl. port, industrial, maritime culture and leisure activities zones; measures of marine environment protection
- Now SMVM can be a chapter within SCOT - great improvement to involve regional and local authorities
- Must be subject to an environmental evaluation and to public inquiry



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Competences

- Distributed mainly between local and central authorities with a tendency to decentralisation e.g. ports
- While different level of competences apply to the coast, the Public Maritime Domaine (PMD) is under the exclusive competence of the central State.
- Different legal regimes in place for PMD uses, which go further than the 'right of normal usage' (autorisation of temporary occupation, concession)



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The Littoral Council

- National Council for the development, protection and enhancement of the littoral and integrated coastal zone management set up in 2005
- 72 members (elected people and socio-professional representatives)
- Under the Prime Minister
- Advices and proposals to the Government relating to coastal areas
- Another instance: the **Shore Councils** have been set in each coast (local/regional authorities) – role of consultation and proposition on development and management policy



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The Littoral Conservatory

- Created in 1975
- Geographical scope:
 - littoral municipalities,
 - wetlands within coastal departments,
 - MPD
- Main function: to preserve protected and sensible areas
- Participates to local territorial planning
- Financial allocation to purchase specific areas e.g. under threat, with a right of preemption
- After rehabilitation, the Conservatory assigns management of the site to a municipality, other local/regional authorities or associations.

