



Documentation Regional development instruments

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Interreg III B

General Data	
Name of instrument:	Urban pre-emption right (Droit de préemption urbain - DPU)
Country / region:	FR
Spatial level:	local
Type:	Laws and regulations
Subtype:	Formal planning instrument
Description:	<p>The DPU is a legal instrument which is currently applied for land planning purposes. It concerns communities having a PLU or a communal chart. It acts of a decentralized tool making it possible the communities to carry out land acquisitions, in substitute with the purchaser at the time of alienations of buildings or plots subject to payment or comparable transfers. Field of application the DPU applies to whole or part of the current of future urbanised zones delineated in planning documents. Each commune concerned must deliberate to institute it on its territory. With this occasion, the Town council specifies the field of application of the DPU.</p> <p>The DPU can apply to very diverse goods (residences, buildings, grounds...) except for the constructions completed since less than 10 years, except in the event of contrary decision of the town council (in this case one speaks about reinforced DPU).</p> <p>The urban pre-emption right (DPU) applies in urban zones and zones to be urbanized delineated in the PLU (Local urban planning document) for urban projects, local policies of habitat, economic activities, leisure and tourism, utility services or the constitution of land reserves. The DPU can also apply in the perimeters of urban sites of aesthetic or historical interest. It also applies in the zones of exposure to the risks of natural or technological hazards; this DPU thus relates to important agricultural and natural surfaces. It also applies in the perimeters of protection brought close drinking water harnessing. The communities equipped with a communal chart have also the possibility of delimiting a perimeter of pre-emption which can be out of the constructible zones of the chart for achievements of utility services, of constitution of land reserves, and thus on natural territories (agricultural and forest). Note that the DPU is one amongst other pre-emption rights (see e g droit de pré-emption des SAFER, which concern farms and agrarian land).</p>
General objectives:	General objectives are constitution of land reserves to facilitate operations of installation answering the following objects: local policy of the habitat organization, of the economic activities, development of the leisure and tourism, realization of utility services, fights against insalubrities, safeguards and development of the built heritage and unbuilt land reserves.
General Objectives keywords:	urban development ; socio-economic development ; ;
Responsible:	Local authority/Municipal council

Stakeholder Involved:	Planners
Reference:	SRU law of December 13th, 2000; Urbanism and Habitat law of July 2nd, 2003
General assessment of strength and weakness:	Following the idea of a more flexible management of space, the right of pre-emption, in particular in the form of the DPU, now became a very widespread tool, largely used in very varied contexts, and to which many municipalities are attached. An important restriction however reduced the range of this logic: the agricultural or natural zones escaping largely from this right of pre-emption, this one thus interests only management by small plots of existing urban fabric. Moreover, the obligation which is made with the community justify its pre-emption and, if it preempts for the constitution of a "land reserve", to indicate the destination of it, prohibited to seize an opportunity for the constitution of land reserves in the long run. Finally, to ensure the land control of a future public operation, the system could really function only if the community is transformed into realtor, buys the buildings at their initial price and resells them with their new value, but the law itself prohibits this type of operation. As a consequence, preemption can lead to freeze the market during a more or less long lapse of time, freezing which is accompanied in certain sectors by suburbs by a progressive degradation by the urban fabric whose renewal is blocked.
Metadata:	Date of entry: 2007/02/16 Contact: Ifuplan, Schleißheimer Str. 156, 80797 München
Implementation	
Legal status:	not-mandatory for responsible body, BUT mandatory for end-user
Extension:	rarely (< 25%)
Comment:	Even if the geographical field in which its application was made possible is very broad, its effective use remains rather rare. There is not any overall statistics on the subject, but one can estimate that on average, the rate of recourse to pre-emption is around 1% of the volume of the transactions subjected to the right of pre-emption. Indeed, much of the communes which obtained the urban right of pre-emption on their zones U and NA, as well as the law authorizes there, remain years without carrying out any pre-emption. As for the communes which have the reputation to make the most active use of this right, they use it only for approximately 5% of the declarations of intent to alienate which are subjected to them.
Type of monitoring:	Qualitative / descriptive reporting
Assessment	
Relevance	
Status:	strong direct relevance
Ranking:	4
Remark:	addresses the management of small plots of existing urban fabric
Acceptance	
Status:	-
Ranking:	0
Remark:	no information about acceptance, only estimation: as formal planning instrument it is assumed to have a broad acceptance, but its application is described as rare (1-5%), which could be a hint for a low acceptance
Implementation	
Status:	-
Ranking:	2

Remark:	Instrument is not in the pilot status, but it is only applied in rare cases and therefore seldomly implemented
Feasibility	
Status:	Know-how, Political will
Ranking:	5
Remark:	-
Effectiveness	
Status:	Direction of effect, type of effect
Ranking:	2
Remark:	Perpetuity unclear as municipality is not entitled to hold land for a longer period