



Documentation Regional development instruments

derived from DIAMONT Database www.diamont-database.eu



This project has received
European Regional
Development Funding
through the INTERREG III B
Community Initiative



Federal Ministry for the
Environment, Nature Conservation
and Nuclear Safety



Bavarian State
Ministry of the
Environment,
Public Health
and Consumer
Protection

Interreg III B

General Data

Name of instrument:	Specific urban planning regulations in mountain communes (Dispositions particulières d'urbanisme pour les communes de montagne)
Country / region:	FR
Spatial level:	local
Type:	Laws and regulations
Subtype:	Laws
Description:	<p>Urban planning in mountain is a significant subject insofar as the possibilities of construction are at the same time essential there for the maintenance of dynamic local populations, and rare, taking into account the shortage of the viable grounds, i.e. which neither are exposed to the natural risks, neither put in reserve at the profit of the agricultural activity, nor covered by a specific mode of protection of natural spaces.</p> <p>By enacting some specific principles being worth national rules of urban planning the Mountain law of 1985 sought to promote a sparing management of mountain space. But its intention was not to make obstacle with the ordinary urbanization of the communes of mountain. Here we give two main examples:</p> <ul style="list-style-type: none"> . the obligation to build in continuity of the boroughs villages and hamlets or prohibition to build in edge of the lakes at a distance of 300 meters, which is a central concept in the Mountain law, aiming at preserving natural spaces and mountain dwellers of the urban sprawl; . due to the rise of construction of true cities, with buildings of several floors, important commercial zones and disproportionate car parks In formerly inaccessible zones of altitude, the need for obtaining a special authorization for the projects most prejudicial to the mountain heritage, i.e. those envisaged in virgin site or discontinuity with what exists, or those whose size exceeds certain thresholds defined by the law. It resulted in setting up the 'new tourist units (UTN) projects' procedure, where in most cases the authorisation was delivered by the State representative (Préfet de Massif), after consultation of the Committee of the Massif.
General objectives:	Implementation of urban planning rules specific to mountain areas
General Objectives keywords:	planning principles ; land development ;
Responsible:	Local authority/Municipal council
Stakeholder Involved:	National authority
Stakeholder Involved:	Private individuals
Stakeholder Involved:	Planners

Stakeholder Involved:	Associations/interest groups
Reference:	Mountain Law of January 9th, 1985; Development of the Rural Territories law of February 23rd, 2005
General assessment of strength and weakness:	<p>In fact, a rigorous jurisprudence developed on principles enacted by the Mountain law, mainly aimed at locking solutions corresponding primarily to the environmental and land stakes of the high mountain. Also this jurisprudence made necessary several interventions of the legislator to give again a range applicable to these texts and to fade intended objectives of this law.</p> <p>. Concerning obligation to build in continuity, leven when the principle seems simple and of good direction in its formulation, it appeared awkward a long time in its application on the ground, making often impossible the delivery of permit building because of noted ruptures of the continuity of constructions. Various legal arrangements have been necessary to restore hamlets as a whole urbanized profiting from this, and to soften the rigour of its interpretation by the judge. Thus, the Urban renewal and solidarity (SRU) law of December 13th, 2000 sought with the zones of future urbanization, to install a permanent tool which makes it possible to resolve the critical situations which too often result from the application of this principle.</p> <p>. The authorisation procedure for the UTN projects did not really slow down the excessive artificialisation of the mountain, although it allowed all the same a true control of the projects because they must have been the subject of serious preliminary studies. Thus another procedure was developped, which is much longer and consists in registering the UTN in a regional integrated development plan (SCOT). Since a SCOT exists, the UTN on its perimeter can be created only by the means of the SCOT. Thus, contrarily to the Préfet authorisation, there is not any requirement of preliminary study of economic viability of the project or environmental impact. In practice these studies are undertaken for certain projects while other remain far from detailed, including on the nature even of installation. This situation returns the decision-making on the authorization of this type of project somewhat hazardous and leads to debates. The last arrangement was introduced by the decree of implementation of the Development of the Rural Territories law of 2005: it exempts from procedure UTN the operations located on the territories of intercommunal co-operation structures having worked out a SCOT. It is the logical result of decentralization. The same decree fixes a threshold to define the UTN, in terms of new built surface. A first project had fixed it at 100 square meters, which the elected officials of mountain had found too constraining while asking to raise this threshold up to 500. It will be finally 300.</p>
Metadata:	<p>Date of entry: 2007/02/16</p> <p>Contact: Ifuplan, Schleißheimer Str. 156, 80797 München</p>
Implementation	
Legal status:	mandatory for responsible body AND mandatory for end-user
Extension:	very frequent (> 50 % municipalities)
Comment:	Applies to all mountain municipalities which are located in the AC perimeter, i.e. 50% of French alps communes
Type of monitoring:	Qualitative / descriptive reporting
Assessment	
Relevance	
Status:	strong direct relevance
Ranking:	4
Remark:	-

Acceptance	
Status:	-
Ranking:	0
Remark:	not information about acceptance
Implementation	
Status:	-
Ranking:	5
Remark:	-
Feasibility	
Status:	Legislation, Political will
Ranking:	4
Remark:	-
Effectiveness	
Status:	Direction of effect, type of effect, perpetuity
Ranking:	3
Remark:	Inflexible implementation deteriorated acceptance of instrument