



Justice issues in farmland protection policies on the urban fringe

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Abstract – This paper examines farmland protection policies through the lens of social justice. It relies on document analysis and in-depth interviews in the Montpellier city-region. We clarify the conceptions of justice underpinned by planning choices on the urban fringe. We also assess two innovative farmland management initiatives. We reveal how local actors perceive justice issues in relation to various forms of public intervention. Unravelling the social consequences of farmland protection policies highlights local conflicts or compromises. It also questions governance processes and may be useful for public policy making and assessment¹.

Keywords – social justice, urban agriculture, planning, land-use, tenure.

INTRODUCTION

Converting farmland to urban uses on the urban fringe is largely irreversible. The last two decades have witnessed a 4% decline in agricultural land in the OECD area (OECD, 2009). Meanwhile, urban demands for food and environmental, recreational and landscape-related services have increased the need to protect farmland in the Global North.

Farmland protection policies face high economic opportunity costs on the urban fringe. They also have social consequences because they affect the price and conditions of access to the land and to development rights. In some cases, they even result in exemptions or advantages for farmers, raising questions on equality of access to land, housing and building rights, between farmers, social groups of inhabitants, and between owners and non-owners. These social equity issues have long been overlooked in research (Jacobs, 1989) and public policy development. They deserve further attention in the context of a growing critical geography of urban agriculture (Tornaghi, 2014; Cohen & Reynolds, 2014).

In this paper, we examine farmland policies through the lens of social equity and spatial justice (Soja, 2009). Such a theoretical framework helps to explore distributive and procedural inequalities. We use it to highlight the social impact of French land policies. We also assess two local innovative farmland management initiatives near Montpellier.

METHODS

Our paper relies on qualitative data collected in the Montpellier city-region, in the south of France.

The Montpellier city-region is an interesting case study because of its recent history of rapid demographic growth and suburban sprawl extending onto the former vineyards. Since 2006, a city-region-wide masterplan has harmonized land use policies among the municipalities. While it has contained the urban sprawl, public farmland protection has been widely debated.

This paper is based on data collected through document analysis (laws, planning documents, minutes of meetings, local newspapers, charters) and through in-depth interviews (with farmers, residents, government officers and staff, farmers' organisations) from 2010 to 2014 in the Hérault *département*² around Montpellier. These interviews aimed at understanding local stakeholders' practices and points of view on access to farmland, housing and building rights. We then identified local justice-related issues through discourse analysis.

RESULTS

Large lot agricultural zoning and farm buildings

In France, farmland conversion is regulated by municipal authorities through binding zoning plans. In agricultural zones, only the construction of buildings considered as "essential" to farming is allowed. However, the national law does not give a precise definition of farm buildings and how to assess the link to agricultural activity in building permits.

The way to implement the law was negotiated on the scale of *département* in working groups composed of representatives of the State, farmers' unions and mayors. We compared the results published in 38 charters. In some *départements*, non-domestic buildings (sheds, wineries, etc.) and domestic buildings (new dwellings) are authorized if the farmer demonstrates their need for the economic viability of the farm. In other *départements*, new dwellings are authorized only if they are required for the supervision of animals (or food processing).

Spatial variations in regulation also exist between municipalities. In the Hérault *département*, only wine makers and livestock farmers are allowed to build new dwellings. However, some municipalities forbid all buildings in the agricultural zone. Others have divided their agricultural zone into several spatial sub-sectors, in which the authorized farm buildings vary.

Such variations in the legislative framework for farm buildings have raised issues of distributive justice among farmers and triggered local conflicts.

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² NUTS 2 European administrative level (Nomenclature of Units for Territorial Statistics).



Spatial grouping of farm buildings on public land

Innovative planning solutions have been tested around Montpellier to compensate for the recent restriction of farmers' building rights, while at the same time avoiding sprawl.

The most relevant initiative relies on the spatial grouping of farm buildings on public land (Nougarèdes & Soulard, 2010). A municipality bought farmland close to the village, divided it into plots and sold it to 12 local farmers to build their dwellings and storage facilities. Land prices were below those of the market. Such an agricultural hamlet raised two social equity problems: i) the unequal access to the hamlet among farmers, ii) the unequal access to housing and to building land between farmers and other (sometimes poorer) inhabitants.

Land access in a public agricultural park

The 2006 city-region-wide masterplan planned two agriparks, i.e. peri-urban perimeters where agriculture must be protected and multifunctional, combining production, short food supply chains, landscape and biodiversity management, and leisure.

In 2010, Montpellier metropolis bought the 192 ha Viviers estate for implementing the agripark concept. However, the characteristics of the farmers who were chosen as tenants put the fairness of the selection in question. Most of the 110 ha of farmland was rented to farmers whose products (grapes, cereals) and business model do not contribute to the above-mentioned objectives of the agripark. None of the rental agreements includes environmental clauses. Less than 20% of the land is organically cultivated. The rental agreements range from 1-year to 18-year contracts. And building rights vary among sub-sectors within the park. Some interviewed farmers criticized the lack of publicity and the weight of personal networking during the selection procedure. The whole project lacks an open and participatory decision process.

DISCUSSION AND CONCLUSIONS

Our results show that social justice issues have been overlooked in French public policies aimed at protecting farmland. The exclusionary effects of land-use regulation are well known (Ihlanfeldt, 2004; Daniels & Lapping, 2005). However, French agricultural zoning creates also inequalities among farmers and with other inhabitants, and the various theories of social justice shed new light on this issue. In a libertarian perspective, owners and farmers require compensation for the loss of individual building rights. In a utilitarian perspective, some State representatives consider inequalities as an unintentional and unavoidable by-product of farmland preservation policies.

The two innovative planning solutions raise other equity issues. In a Rawlsian perspective of justice as fairness, they do not favour the least advantaged members of society and they do not offer a fair equality of opportunity. Following Young's theory of justice (1990), French farmland protection policies

even appear imperialist: policy instruments were locally negotiated with dominant farmers' unions. They have advantaged local wine growers (already running a farm). And they have excluded farmers with less political power and/or capital (market gardeners, new farmers), even though those would probably have better supported the multifunctionality of agriculture, which is an important rationale of farmland protection policies on the urban fringe.

Such results open a discussion on the aims and rationales of public policies. Planning choices regarding farmland conversion on the urban fringe underlie diverse conceptions of justice, that echo or conflict with individual demands ranging from the distribution of development rights between owners, to the various social classes' right to housing or access to land, and the preservation of the environment and quality of life or food issues.

Focussing on local actors' feelings of injustice and making their diverse conceptions of justice explicit is a good way to unravel the social consequences of public policies. It highlights local conflicts or compromises. It also questions governance processes and can be useful for public policy making and assessment.

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