CONFLICTS IN SUBURBAN LAND USE AND ADMINISTRATIVE LITIGATION. THE CASE OF THE ÎLE-DE-FRANCE REGION

The comparison between land conflict location and social status in greater Paris makes it possible to determine the main causes for litigation. Some may surprise you!

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The Île-de-France region around Paris is an example of an area under growing urban influence: between overrepresented artificial land use relative to other spaces surrounding large regional centres (Slak, Lee, Michel, 2001) and a 96% urban population rate, there can be no mistaking the key urban role in the region. (Stephan, 2001). The area is marked by a tendency toward residential peri-urbanisation of agricultural land. In such a context, though forests and agricultural land still make up respectively one quarter and one half of the regional space (Iaurif, 2001 data), these peri-urban areas, whether located along the urban front or beyond, are increasingly under pressure.

The major issue in analysing conflicts linked to peri-urbanisation and, more generally, to rival uses of land in outer city suburbs, is access to empirical data. This study looks at administrative litigation as a source of data on land use conflicts in terms of space and time. The research has a dual purpose: to provide an empirical descriptive analysis of the nature and evolution of conflicts in the Île-de-France region, and to determine whether the different types of conflict observed can be correlated to municipal characteristics, defined according to a series of socio-economic and demographic variables or related to land-use methods and the urbanisation rates.


For urban conflicts in Quebec, Quebecker sociologists and geographers have shown that certain urban settings are more likely than others to generate conflicts. (Joerin, Pelletier, Trudelle, Villeneuve, 2005). Based on this premise, we shall attempt to show that different types of conflict may be explained by characteristics proper to groups of suburban municipalities in the Paris area.

Connecting conflicts to territorial dynamics

Land use conflicts involve urban planning changes which result in antagonisms between stakeholders. Such conflicts emerge in a context of growth affecting decisions to alter how land is used. Property market forces are of course central. In studies, however, the two issues of land use dynamics and conflicts are rarely correlated. This can be explained by the gap between economics, concerned with the property market, and the other social sciences (sociology and social geography) which study the social dynamics of conflicts.

As for economic analysis, the residential localisation choices (in particular in the peri-urban areas) are increasingly analysed with regard to the value of the living environment, specifically the landscaped residential environment. The hedonic price method has been used to determine the value of the landscape (Cavailhes and Joly, 2006) since it explains the effects of the various parameters of peri-urban localisation choices: ground rent, prices for developed property or building land, costs of transport and hedonic values.

Other studies have looked at the conversion of agricultural land to building land. Thus, Geniaux and Napoleone (2005) analysed the setting and evolution of agricultural

1. This economic analysis applied to land dynamics, prices and hedonic values are of great interest to understand the economic causes of the pressure in land price in peri-urban location. Even though they do not tackle the issue of conflicts directly, they are useful to set their context.
land prices in the Bouches-du-Rhône region by focusing on the conversion of agricultural land into land which could potentially be built upon. They showed that property markets are split according to the types of land use involved, but that agricultural property prices (parcels without planning permission under the land use plan) are not solely set according to the economic results of agricultural activities, since they are also influenced by anticipated conversion into urbanisable land.

In another case, Peres (2007) studied the property competition between urbanisation and grape growing in the Bordelais region. She demonstrated that grape production is not homogenous in terms of parcel size, quality labels and wine prices. She endeavoured to empirically explain the factors of the conversion or non-conversion of grape growing land into urbanisable land: the results showed that smaller grape growing parcels are more sensitive than bigger parcels, and thus are more strongly influenced by intensive building of peri-urban spaces. Moreover, the municipalities close to the city of Bordeaux, within a 21 km radius around its centre, are also more vulnerable than municipalities located beyond such a distance, but factors of resistance exist to qualify the fragility of such grape growing property: the existence and structure of local land-use plans and the quality and profitability of grape growing parcels.

These applied economics studies of the property market, prices and hedonic values contribute greatly to understanding the economic factors of the property market pressure in peri-urban spaces. Although they do not apply to the conflicts as such, they allow for a better grasp of the context.

Finally, within the field of sociology and social geography, the question of environmental or planning conflicts is looked at from the perspective of the social process of collective consciousness (i.e. territorial identity) in the course of the conflict. Territorial structure and links with the conflicts are not taken into consideration.

To complete this brief overview, a more general point of view on the various types of use conflicts which may accentuate land use processes has been developed by a group of researchers from different disciplines setting out to explore the multidimensionality of conflicts arising around industrial, agricultural and residential uses, or expressed preferences for non-use (in the case of site preservation for environmental reasons). The empirical sources available are varied and complementary: daily regional press (Darly, 2007, Torre and Lefranc, 2005, Paoli and Serinelli, 2004), administrative documents used in urban planning and management (Melot and Paoli 2006) and claims before administrative tribunals and courts of law (Cadoret 2006, Jeanneaux 2006, Jeanneaux and Kirat 2005, Kirat and Melot 2005, Melot 2005). A number of these works proceed from a temporal analysis of the evolution of conflict and focus on the socioeconomic transformations of geographic areas.

### Clarifying the geography of conflicts by applying socioeconomic parameters

We have based our study on the following premise: territorial dynamics constitute a source of tension and conflict which may be manifested by actions before the courts, particularly before administrative tribunals.

- Any planned modification to land use is subject to administrative procedures generating documents or decisions that may be contested – as long as the “claimant” has a right of action before the administrative tribunal.
- Actions before the courts are a sign of change in territorial structures, whether concerning land use, mixed uses, demographic trends, the socioeconomic level of the municipal population, etc. Land use conflicts which adopt a contentious form are part of a larger context of tensions over the use of space. Actions can be brought by a wide range of actors: private individuals, associations to protect living environments, the Prefect, property developers, companies, etc.
- In the trend towards administrative actions, there is no need to accept a determinist hypothesis: the Île-de-France region is a heterogeneous space from several points of view (socioeconomic, demographic and topologic). This is a source of the differentiation of the Paris suburban areas that the empirical observation of the regional geography of conflicts (Darly, 2007) allows us to measure and understand.

The data used were collected from administrative proceedings in the Île-de-France area from January 1981 to 31 December 2005. The data consist of rulings by the Conseil d’État (Council of State) and, as from their creation in 1989, the Paris and Versailles administrative appellate tribunals, on conflicts located in the seven departments of the Île-de-France¹. Paris having been excluded from the scope of the study. The decisions were collected on the basis of LamylineReflex. The data thus consist of 448 decisions published between 1981 and 2005 concerning 340 municipalities and three main categories of claims:

- “Industrial, extractive and storage installations”: industrial (including waste management) and agricultural (whether or not under regulation for classified environmental protection – the Law of July 1976) installations; extractive activities (quarries, gravel pits);

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¹. Seine-et-Marne (77), Yvelines (78), Essonne (91), Hauts-de-Seine (92), Seine-Saint-Denis (93), Val-de-Marne (94) and Val-d’Oise (95).
storage sites for dangerous materials or goods; as well as former industrial sites with environmental clean-up issues, etc.

- “Public services and infrastructures”: generally subject to regulation for public filing purposes: roads, railways, airports, production and energy transport structures (gas and electricity networks), telecommunication infrastructures, institutions carrying out public services (penitentiaries, youth detention centres).

- “Urban planning operations and documents”: which include urban plans and zoning regulations (regional structure plans, local land use or land use plans) and permits to build (authorizations, urban-planning certificates), including commercial urban planning.

It is essential to understand the distribution of conflicts across space and time. A survey of conflicts shows that urban planning conflicts most frequently appear before the administrative tribunals (178 decisions). These are followed by conflicts related to industry and extractive activities (103 decisions), then those linked to public service facilities and infrastructures (78 decisions). The distribution of the decisions in the region is related to department size. Administrative proceedings arise most frequently in the Seine-et-Marne and Yvelines. For Seine-et-Marne, which covers 49% of the area of the region (5915 km²), 89 of its 514 municipalities record conflicts; corresponding figures for Yvelines are respectively 2284 km² and 72 of 682 municipalities. If we take into account the high number of municipalities in these rather rural departments as well as the size of each municipality, the density of conflicts is much less significant than in the populated departments of Paris’s inner suburbs.

Localising conflicts on a municipal scale and identifying the date of the decision at the origin of the conflict allowed for a mapping of conflicts over a long period. We have observed a trend towards a widening of the territory where conflicts over urbanisation activities and documents have arisen in the Île-de-France region since the mid-1970s. This widening is not uniform on a regional scale: it consists of two distinct trends. First, urban planning conflicts are spread over about a 40 km radius area around Paris, with higher density in the western suburbs (Hauts-de-Seine and Yvelines) and a relatively lower density east of the capital (Val-de-Marne). Next, urban planning conflicts show up in the outskirts of the Île-de-France in a relatively scattered manner, with the exception of the south of the region (Essonne and Seine-et-Marne). This trend reveals a movement towards peri-urbanisation of spaces increasingly further afield from the inner Parisian suburbs.

**Conflicts related to industrial, extractive and storage installations**

Localising conflicts related to industrial, extractive and storage installations reveals net differences between claims depending on their distance from Paris. In an initial area consisting of high urban density and population, within a radius of about 40 km around the capital, two types of litigation exist:

- Conflicts related to metallurgy and mechanical workshops and storage centres for goods, whether dangerous or not; parties include both residents acting in an individual capacity and the administration;

- Conflicts induced by the introduction of administrative compliance measures for classified installations and environmental clean-up, the main participant being the prefect of the department.

Beyond this radius, the nature of the conflict changes: very often conflicts involve environmental and living environment associations over issues related to planned waste treatment centres, water purification plants or the extension of agricultural installations.

If we look at the changes over the course of time, two structural tendencies have developed since the late 1990s:

- A strong increase in the opposition to industrial installations and storage facilities within the inner Paris suburbs,

- The rapid emergence of opposition to industrial and extractive activities along the edge of the Île-de-France, which can be correlated to remote peri-urbanisation activities and the appearance of associations formed to protect living environments.

**Conflicts related to public service development and infrastructures.**

Observations of this type of conflict lead to conclusions which are somewhat similar to the preceding category. The subject of the claim changes once the limit of the inner suburbs is crossed: within the first area conflicts essentially revolve around ground transportation infrastructures (building of the A86 motorway, links between sections of the Francilienne ring road around Paris, widening of national or departmental roads) while, beyond that limit, conflicts also involve the installation of electrical lines, gas pipes, telecommunication lines and the route of a high-speed train line. We also note a strong increase in the number of conflicts in the first area since the mid-1990s, as well as the appearance of new litigious tendencies beyond the initial 40 km radius area during the same period.

**Urban planning conflicts**

Urban planning conflicts are spread over the entire Île-de-France region, with however a relative drop in the number of litigious matters the further one gets from Paris. Two sorts of urban planning conflicts appear:

- Conflicts located within the inner suburbs involve either commercial urban planning issues or building projects, particularly frequent when intended for council housing. Such conflicts concern strongly
urbanized municipalities with a high population density.

However, urban planning conflicts taking place beyond such a radius change in terms of both subject and context: they essentially concern whether building is allowed under the classification of parcels in urban planning documents, but also planned constructions or additions to agricultural buildings. Such conflicts involve municipalities featuring a large percentage of unurbanised land and open space (forest or fields).

Spatio-temporal analysis. Temporal approach analysis of urban planning conflicts confirms the hypothesis of increasing urbanisation issues over time and with increasing distance from Paris, signifying the reality of peri-urbanisation further and further into the outer suburbs, meaning in the rural areas where property is more readily available. In this respect, an laurif report on changes in land use methods from 1990-1999 confirms this process: for 10 years, the widening of the Paris-area urban territory (223.32 km²) has taken place almost exclusively in the outer suburbs (222 km²) (laurif, 2001).

Localising conflicts in the areas of industrial, extractive and storage installations (in short, production activities), infrastructures and urban planning paints a picture of a region undergoing marked structural changes: densification of conflicts in an area of about 40 km around Paris and development of conflicts in those areas which were formerly exclusively rural on the distant outskirts of the region.

The structural trend in reducing the agricultural land has two corollaries: one is a tendency toward residential peri-urbanisation; the other is the creation of contexts conducive to litigation. In fact, it becomes more probable that building installations or facilities clash with interests the more those areas formerly used for agricultural production are residentialised. A certain number of studies have made similar conclusions. We shall proceed to refine the analysis of links between the contextual indicators of the municipalities and the fact that they are the location of conflicts.

Conflicts and socioeconomic characteristics of cities

An initial analysis of variance (one-way ANOVA) allowed us to discern whether a certain number of socioeconomic variables, taken individually, distinguish the municipalities, in order to determine whether at least one conflict was located there, and of what type. The main results are as follows:

- The fact that the municipalities are urban clusters, whether or not as municipalities they are monocentric or multicentric (as defined by Insee), has a strong influence on whether they are places of any kind of conflict.
- Infrastructure conflicts are also sensitive to the “population density” variable.
- A municipality’s urbanisation rate (measured as the average annual number of planning permissions granted) is a rather pertinent factor in conflicts. It is significant in those conflicts involving infrastructures and urban planning.

As to the socioeconomic level of the population, the number of conflicts is markedly different depending on whether the municipal population includes more or less than 20% of senior executives and middle-ranking occupations.

This initial analysis was supplemented by a multiple correspondence analysis (MCA). This analysis studies the correlations between conflicts and other characteristics of the geographical area. To that effect, we retain the nominal variables of the municipalities above, which we cross with a binary variable of conflict. The binary transformation is the following: a value of No is ascribed if the municipality has not had any conflict, and Yes if it has recorded at least one conflict during the period. The following chart presents the results thereof.

Three groups of municipalities appear:

Group 1: Municipalities with urban planning conflicts (on the right of the exhibit): here the portion of the population which is affluent is substantial (28.8% of the population; average annual income of about €40,000) and the rate of urbanisation moderate. We can divide them into two subgroups according to the number of residents. The first, densely populated, primarily consists of those municipalities in the Hauts-de-Seine that can be labelled as “wealthy populations” (Neuilly-sur-Seine, Rueil-Malmaison, etc.). Their location just next to Paris together with urban pressures result in municipalities which have become an organic part of the capital and feature concentrated numbers of residents from advantaged categories (senior executives and middle-ranking occupations). The second consists of more dispersed municipalities, more isolated from the Paris urban area. They offer parks and natural spaces forming a pleasant living environment; their limited population is characterised in most cases by high average income levels.

Group 2: Conflicts related to facilities and infrastructures are located on the top, in municipalities with a high

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1. The Multiple Correspondence Analysis (MCA) is a statistical method devised to analyse multivariate data by projecting them onto a factorial exhibit. This projection is designed to observe the correlation between the variables using a visual image of the distance and the relative positions between them.
The horizontal axis represents what we have called “social segregation.” The municipalities which house a large affluent population (senior executives and middle-ranking occupations; over 20% of the population) are located on the right, and those with a small percentage of this population (less than 20%) are on the left.

The vertical axis shows the urbanisation rate. The top part of the axis includes those municipalities in which the average annual number of planning permissions granted from 1990-2004 is over 50, the lower part indicating when that number is under 50.
urbanisation rate and a rather affluent population. These municipalities share a point in common with the preceding group; an affluent population markedly higher than the less-advantaged population. Located at about 30 km from Paris, these municipalities were created as a second regional belt around Paris; we note in these areas an explosion of conflicts related in most cases to the building of the A86 motorway (second suburban bypass) and its junctions, but also to the installation of high-voltage lines and telecommunication relays. The demographic size of these municipalities is relatively large and homogenous (average population of 35,000 inhabitants, among which advantaged socioeconomic categories dominate: 30% of senior executives and middle-ranking occupations, compared to 15% of workers and employees).

Group 3: Conflicts related to industry and storage facilities are found on the far right of the exhibit where the municipalities have a low socioeconomic level. This includes those municipalities which are located within the “poor” suburbs of Paris (91, 93, 94) where most of the employees and workers that we have included in the term “disadvantaged populations” live. The municipal population is very dense (average 48,000 residents) and the average annual income very low (€13,400). The great majority of municipalities adjoin Paris, but unlike the rich western suburbs mentioned above (Hauts-de-Seine), they make up areas of low- and medium-qualified labour. These towns house nuisance-generating installations which are necessary to the Paris urban area (logistical platforms, merchandise storage, incineration and waste-management facilities, etc.).

Our intent was to show that these conflicts are signs of change in the areas and that the different spatial elements included in the study (Insee municipal typology, number of planning permissions granted) are an essential element in conflicts. Thus, the factorial exhibit shows us that the conflicts related to industrial and storage installations are characteristic of municipalities of the inner suburbs, bordering on Paris, whose population features a low socioeconomic level.

Urban planning conflicts are present in the affluent municipalities which are a bit further from Paris, where populations gather to avoid the negative externalities of urban life. The development of the peri-urban residential environment being to a large degree related to the desire for quality living, it is not surprising to find here local opposition to immediate plans for urbanisation (by contesting planning permission) or potential future plans (by contesting modifications to land use plans or local land use plans).

Finally, the position of conflicts related to facilities and infrastructures may be interpreted as a sign of the confrontation between the needs for mobility and communication brought on by the growth of Paris and its suburban areas and residential localisation strategies.

Conclusion: each social class calls for its own type of conflict

The changes in the territorial geography of conflicts in the Ile-de-France region over twenty-five years evidence an increase in administrative litigation in the outer Paris suburbs, particularly in the mid-1990s. The emergence of conflicts involving industrial, extractive and storage installations and transportation infrastructures in the outer Paris suburbs is a sign of the rapid development of residential use of peri-urban space formerly reserved for agricultural use. The urban planning conflicts in this same peri-urban area reveal tensions around the issues of residential incursions into space with a high percentage of forests and agricultural land.

Thus, the location of conflicts must be correlated to social geography: urban planning and public facility conflicts are linked to the presence of a population whose socio-professional categories are rather affluent, while conflicts involving industrial installations increase in those areas of the inner Paris suburbs which are more socially disadvantaged, although they are more often than not lead by the government. Such conclusions are consistent with those of other available studies. Darly (2007), for example, considers that, within the same region, the proportion of building and neighbourhood conflicts (environmental conflicts included) in relationship to the municipal population is significantly influenced by the average household income level.