

➤ LANDEV

Land property and EnVironmental contracts in agriculture

Métaprogramme BIOSEFAIR

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Faced with the erosion of biodiversity, public policies have set an ambitious agenda, as illustrated, for example, by France's national biodiversity strategy. This strategy sets out a plan for the protection and restoration of ecosystems, with the aim of establishing protected areas covering 30% of the country, including 10% of high-level protection (<https://www.ecologie.gouv.fr/strategie-nationale-biodiversite>).

In this context, public environmental policies are reflected in increasingly diverse and sophisticated contractual tools, most of which have a direct or indirect impact on land ownership rights, which need to be documented empirically.

The objective of our exploratory project is to study how land ownership influences contractual practices within the framework of these contracts and to propose a reflexive analysis of clauses and specifications with an environmental focus when they impact the rights of the owner, as the main manager (owner-operator or non-agricultural owner of natural areas that are not used for agriculture) or as the lessor of an operator. The project is based on the observation that contractual practices affecting landowners, both public and especially private, are still insufficiently documented.

Among the various contractual objects identified as areas of investigation when the research project was designed, the LANDEV project team focused on an exploratory study of practices relating to conservation easements (« obligations réelles environnementales » in French law)~~real environmental obligations~~, due to the sharp acceleration of these local initiatives over the last three years. The research focused on identifying and analysing case studies relating to ~~real environmental obligations~~conservation easements, in partnership with organisations particularly involved in the governance of these contractual initiatives, in particular the French Office for Biodiversity and the Federation of Nature Conservatories. One of our objectives was to analyse the construction of specifications and the variability of contractual obligations identified through case studies, focusing on the assumptions that guide their adoption, the known inflections in the negotiation process and their expected impact on natural environments and the multifunctionality of landscapes. We also aimed to assess how the stakeholders involved perceived the tool, with a view to explaining the degree to which it has been adopted and mobilised by them.

From a social science perspective, we focused on the profile of the landowners involved, the multi-stakeholder governance of contractual arrangements, and the geographical characteristics of the areas concerned. From an ecological science perspective, we examined the nature of the contractual commitments, taking into account the types of natural environments concerned and the conservation or restoration actions envisaged.

Detailed results

The main shift in the project was a refocusing on OREsConservation easements, whereas we had identified other contractual tools to investigate (environmental leases, in particular). Ultimately, given the wealth of material to be analysed and the feedback received from partners, we concentrated our efforts on environmental obligations.

1° Research on voluntary preservation initiatives ~~EOs~~ in western France

In 2024, around fifteen voluntary environmental obligations (also known as heritage environmental obligations) were investigated in western France (Pays de la Loire, Brittany, Normandy) as part of the Master's internships of Camille Prieur and Alicia Lagadec, co-supervised by Romain Melot and Guillaume Pain. These exploratory interviews were conducted with owners identified through a variety of co-contractors (CEN, associations, local authorities).

Profile and motivations of ORE signatory owners

The majority of the owners interviewed are retired or approaching retirement and are therefore in a position to consider the transfer of their property and the sustainability of environmentally friendly management practices, whether or not this involves a transfer to family members. While they all share a concern for the environment, their level of commitment varies, ranging from individual awareness to participation in environmental associations (for half of them). Half of the owners interviewed are farmers and wish to use the ORE-conservation easements to demonstrate that it is possible to reconcile agriculture and the environment.

The motivations they refer to often relate to a desire to protect biodiversity, but on varying spatial and temporal scales, ranging from a desire to limit short-term damage in the immediate vicinity (fear of land being taken over by more intensive neighbouring farms) to more long-term concerns. The ~~ORE's~~ contractual framework of conservation easements also appeals to some in that it values the landowner's decision-making autonomy over regulatory mechanisms. Finally, the commitments made by the co-contractor, in particular the possibility of receiving ecological engineering support, were also cited as motivations.

Mobilisation by farmers on active farms

Among the examples of heritage OREsConservation easements identified in our study, several were contracted on farms. For three of them, we were able to consult the contract and talk to the owners and co-contractors.

We have gleaned several pieces of information from these cases, which we found in all ORE easements projects on farms in the Pays de la Loire region. In most cases, the owner-operator is the one who initiates the process. For many of them, their motivation is to pass on and protect a healthy production tool, the result of years of hard work. None of the ORE easements projects inventoried on agricultural land called into question the agricultural use of the land. The obligations correspond to a continuation of existing production and maintenance practices, coupled with recommendations for the development or management of existing semi-natural areas. These recommendations are defined with the help of the co-contractor (CEN or naturalist association in our cases) based on the ecological issues identified on the farm. Management practices may be recommended for all contracted plots, or for certain plots or specific areas (e.g. hydromorphic or non-hydromorphic parts of a plot). The use of pesticides, soil sealing and drainage are systematically prohibited (except in cases of force majeure), but mowing, grazing and crop management under certain conditions (rotation length, tillage) are among the management methods recommended in certain contracts.

Due to their flexibility, OREsConservation easements therefore appear to be a suitable tool for protecting land while maintaining agricultural activity. They also enable landowners and co-contractors to highlight the positive contribution that agricultural activity can make to the protection of so-called ordinary nature.

2° Research on the involvement of local authorities in the deployment of OREsConservation easements

More specific work was carried out as part of Alice Luneau's internship (co-supervised by Coline Perrin and Romain Melot) on the methods of local authority involvement. Based on press monitoring, 200 local authorities were contacted and 40 semi-structured interviews were conducted (municipalities, inter-municipal authorities, joint associations and support structures), via video conference and in person, mainly in Occitanie (where the internship took place), but also in other regions. In addition, 30 contracts were collected and analysed. Three case studies were the subject of an in-depth monograph: the Bourges urban community (water quality issues in the catchment area), the municipality of Sylvanès (protection of a heritage oresconservation easements) and Rennes Métropole.

The survey conducted reveals several key findings. Communities that use OREsConservation easements employ them to serve a variety of strategies: protecting biodiversity and ecosystems on private land owned by individuals or farmers; preserving the quality and quantity of water resources; offsetting development and infrastructure projects; accessing financial resources to carry out projects; allocating public agricultural land, etc. What they generally have in common is the pursuit of long-term protection. The instrument appears to be useful, albeit complex, in enabling local authorities to intervene in agricultural practices. The ORE-conservation easement meets proven needs, in particular to restrict agricultural practices on land without the local authority or one of its partners having to acquire-purchase it.

There are also several forms of contractual arrangements. While most involve the local authority and a landowner or the local authority as landowner and a co-contracting association, some OREsConservation easements involve three or even four natural or legal persons, or may give rise to land transfers. The articulation of the ORE-conservation easement with other contractual or regulatory instruments is still a work in progress for most local authorities, but avenues are emerging and a few experiments are being carried out.

These alliances between different instruments open up opportunities to address certain limitations of the ORE conservation easement (lack of financing channels, non-binding nature with regard to urban planning law, etc.).

Forms of shared governance are more common in certain contracts concluded on public land, which bring together local authorities and actors such as GENs associations for natural conservation or PNRs natural parks. In the few cases encountered, local authorities and co-contracting structures use OREs Conservation easements to guide a long-term partnership around the public land covered by the contract. However, the use of these contracts to establish forms of shared governance of private land by local authorities, owners, and potential partner actors remains largely unexplored.

3° Research on OREs Conservation easements for ecological compensation

The study aimed to analyze, through several case studies, the influence of ERO contractual practices in conservation easements on the territorial governance of ecological compensation. It was conducted as part of Lauriane Czyzysyn's master's internship, co-supervised by Juliette Young and Romain Melot. The survey consisted of 44 semi-structured interviews, conducted in person and via video conference, with actors involved in setting up compensatory ESAs in several regions in France. These actors were identified through press monitoring and data available on compensation operations (GeoMCE)

It highlights the ambivalent role of the tool: a source of innovation in terms of duration, contractualization, and diversification of actors, but also limited by structural and institutional weaknesses that hinder its integration into territorial strategies. The interviews conducted reveal a wide variety of practices. Some operators use OREs Conservation easements systematically in their compensation operations, while others use them selectively and on an ad hoc basis (local authorities in particular). The deployment of OREs Conservation easements is still largely driven by the State, which reflects a certain verticality. This can hinder their adoption and, in some cases, fuel a perception of constraint rather than partnership.

The ecological benefits of compensatory EROs conservation easements for compensation are still perceived as low by most of the operators surveyed. It should be noted that the acceptance of EROs easements by some farmers is facilitated by the fact that these contracts do not require any major changes to existing agricultural practices. Furthermore, the obligations to perform are more oriented towards the maintenance of existing environments than ecological restoration. Only 30% of the contracts studied propose actions for planting hedges/restoration (of meadows, ponds, reed beds, and waterways). Management requirements most often concern the regulation of mowing dates, extensive grazing rules (limited density, deferred grazing), the creation of wildlife shelters, and specific arrangements for certain species (spawning grounds, shrubs used as resting places, protective fencing for hedges). Prohibitions mainly target chemical inputs, hedge removal, and soil modification, while some target livestock farming practices, such as feeding fodder on wet plots and using mechanical equipment in winter.

Finally, in financial terms, compensatory OREs Conservation easements can result in compensation that is sometimes attractive (some cases mention up to 80% of market value), but which can become a source of destabilization for the land market (as this environmental land market is not subject to regulation).

Concluding remarks

The OREs Conservation easements studied contribute to broadening and diversifying the actors involved in compensation. In some cases, they enable the mobilization of private landowners, notaries, and nature associations.

The tool has certain limitations, as highlighted by the surveys. From a legal and organizational standpoint, ~~the ORE conservation easement~~ relies on the ability of stakeholders to make a long-term collective commitment and to manage potential difficulties, such as tensions between parties, the disappearance of stakeholders, the effects of climate change, and other uncertainties. For the time being, ~~the ORE conservation easement~~ does not fundamentally change the nature of the measures put in place, despite the flexibility it introduces, and its integration into territorial strategies remains limited. Although they can take certain urban planning documents into account, they are still rarely linked to the green and blue belt or regional biodiversity policies, which reduces their integration into an overall vision.

Despite these limitations, these contracts encourage cooperation and sometimes promote the emergence of new skills. Private landowners can become biodiversity managers, associations can position themselves as guarantors of obligations, and notaries can play a role in securing commitments. This diversification of responsibilities is a first step toward renewing governance practices.

Contribution to a guide on ~~OREs~~ Conservation easements

An insert on the project appears in the guide “Conservation easements ~~Real environmental obligations~~: collection of experiences and state of the art of knowledge,” 2025 Federation of CEN - OFB - <https://reseau-cen.org/wp-content/uploads/recueil-ore-fcen.pdf>.

Scientific perspectives

Our research on voluntary ~~OREs~~ Conservation easements for preservation has focused heavily on the landscapes of northwestern France, due to the hosting of several internships at the UMR BAGAP, which has influenced our results. Indeed, semi-natural areas of interest in bocage landscapes are included in agricultural areas. In this context, ~~OREs~~ Conservation easements appear to be a relevant mechanism for protecting ordinary nature. We believe it would be interesting to replicate this work in regions where “remarkable” natural areas have been identified, in order to study the influence of this context on the perception and mobilization of the ~~ORE~~ mechanism of conservation easement.

Among the research questions we would like to investigate in the future, we identify in particular the consequences of the latest regulatory changes (September 2025) which recognize the potential contribution of ~~OREs~~ Conservation easements to the “strong protection” objectives for biodiversity set by the national biodiversity strategy. How will the strong protection qualification be assessed by government departments? What trade-offs will be made and what will be the consequences for the differentiation of contracts concluded? In terms of land policy, we would also like to examine in greater depth the impact of these contractual practices on land values, as well as the position of transferors and agricultural project developers in the context of farm transfers.