

**Annual
report**
2018
**Environmental
Authority**



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Environmental Authority





Annual report 2018

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Editorial

Ten years after the Grenelle de l'environnement and in the unprecedented situation at the end of 2018, the ecological and energy transition and taxation adopted as part of this framework have ended up at the heart of a major national debate.

2018 was punctuated by a great deal of bad news for the future of the living world: the report from the Intergovernmental Panel on Climate Change (IPCC) of October 2018 confirmed that the current rate of global warming would rapidly and significantly exceed the upper limit of the average temperature increase of 1.5°C set by the Paris Agreement compared to 2015, and also indicated that the current trajectory is on course to double that value; the erosion of global biodiversity is observed in a series of scientific reports, both in terms of the acceleration of the disappearance of iconic species and the collapse in global numbers of birds, amphibians and insects, etc., which everybody is beginning to notice in their everyday lives; the glyphosphate controversy stems from the failure to curb the use of pesticides, as well as other toxic products and/or certain toxic discharges.

After experiencing a continuous decline since 1990, greenhouse gas emissions have begun to rise again in France, first in 2016 and then in 2017. More than two million citizens have signed a petition to "support legal action against the State for failing to act with regard to the climate". As of summer 2017, the State is also subject to an order by the Council of State to reduce the concentrations of nitrogen oxides and particles to below the applicable limits as soon as possible. According to the Commissioner-General for Sustainable Development, soil artificialisation continues to progress, mainly to the detriment of agricultural

areas, and particularly in less dense areas and on the outskirts of urban areas, with economic activities continuing to develop, without any real recycling of urban spaces.

In its opinion on the quality of impact assessments, the Environmental Authority (Ae) endeavours to rigorously verify the data presented in the files submitted to it, with reference to a legal and regulatory framework which has been patiently constructed over the course of half a century¹ in order to improve knowledge of ecosystems, assess the negative and positive effects, and then avoid or reduce the impacts of projects and plans/programmes and reduce pressure on the environment. By providing contracting authorities, the public and decision-making authorities with a critical analysis on an independent basis that enables democratic debate to proceed objectively, in light of its direct discussions with clients, the Ae has become convinced that its perspective contributes to improving the files that are submitted to it and the legal certainty of public decisions. The response to the issues remains inadequate.

Although it notes that clients are increasingly paying attention to warnings and proposing measures to slow down or even correct these trends, the Ae has regularly noted, particularly in its previous annual reports, that the taking into account of greenhouse gases and air pollution has been insufficient in most cases, particularly in road infrastructure. 2018 was no exception. In terms of noise, all too often protective measures are defined as a minimum, based on a misinterpretation of the regulations. Biodiversity is not taken into account ambitiously enough to slow down its erosion and the loss of natural spaces. The nitrate action plans, in light of the sixth national plan and

¹ In particular, the laws passed in 1976 requiring the first "impact assessments".

the ten regional plans that supplement it, do not demonstrate how they are likely to reduce concentrations in groundwater and surface water.

The Ae's opinions regularly question the consistency of projects when presented with such broad environmental policy guidelines, in terms of the consumption of agricultural or natural spaces (particularly wetlands), the division of territories or climate ambitions (use of fossil fuels, low contribution to "carbon neutrality"). More often than not, and as was the case again in 2018, the short-term is evident in the long-term: projects that could irreversibly intensify environmental imbalances add to the legacy of a time when these major risks were not known and climate change was not recognised as clearly.

There is a strong temptation to change the interpretation of public utility and general interest, to shake up certain processes that

guarantee the protection of third parties and comprehensive public information and to reduce the role of environmental democracy, including the risk of weakening public decision-making and increasingly complex dialogue between stakeholders.

This is why the Ae will be paying particular attention to the evolution of the environmental assessment framework and the independent functioning of the environmental authorities.

Members of the Environmental Authority







The Ae in 2018

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Expertise and missions

Some projects, plans and programmes are subject to environmental assessment based on their specific characteristics and their potential impacts on the environment.

The petitioners are responsible for these assessments. For the public to be properly informed when consulted and to participate in the decision-making process, an "environmental authority" is expected to issue an opinion to the public on the quality of assessments and the proper consideration of the environment by the assessed projects, plans or programmes.

Projects

According to the French Environmental Code¹, the Environmental Authority (AE) exercises its powers as an environmental authority on project environmental assessments in the following cases:

- when the Minister for the Environment is the authority responsible for making the decision to authorise the project or propose it to the government, under his/her ministerial competencies;
- when the project owner or petitioner is the State represented by a department under the authority of that Minister or a public institution under its authority.

The Ae's scope of competence also extends to all projects requiring several administrative decisions when one of them falls within the competence of the same minister or is suggested to the Government by them, or when the minister decides to take up a dossier and entrust the Ae with it.

For other projects, this opinion is given by the minister themselves, based on their

departments, or by the regional prefects².

The Ae also has the power as environmental authority over projects that do not necessarily require an environmental assessment but are subject to a case-by-case review³. The review shall give rise to a reasoned decision as to whether or not the project concerned should be subject to an environmental assessment based on the likely significant effects of the project on the environment and the measures envisaged by the contracting authority to reduce or avoid these impacts. The law of 10 August 2018⁴ now entrusts the departmental prefect (and no longer the Environmental Authority) with issuing a decision on a case-by-case basis for projects involving a modification or extension of activities or works falling within the scope of environmental authorisation. The choice made by law n° 2010-788 of 12 July 2010, known as the "Grenelle 2 law", to entrust the competent environmental authority responsible for issuing opinions with the power to make decisions on a case-by-case basis is now subject to two exceptions: the

1 Article R. 122-6.

2 Cf. Article R. 122-6 of the Environmental Code. In decision no. 400559 of 6 December 2017, the Council of State cancelled, without transitional provision or modulation of the impacts over time, the provisions of Section 1 of Article 1 of the decree of 28 April 2016 insofar as it maintained in Section IVe of Article R. 122-6 of the Environmental Code the designation of the regional prefect as the competent government authority for the environment. In order to ensure security for the projects, pending the publication of a decree modifying these provisions, a technical note from 20 December 2017 introduced a transitional arrangement whereby draft opinions are issued by Environmental Authority Regional Missions (MRAE) on the basis of a draft opinion prepared by the regional departments responsible for the environment.

3 Presented and defined in Articles L. 122-1 (IV), R. 122-2 and R. 122-3 of the French Environmental Code for the "projects" and L. 122-4 (II) and R. 122-17 (II) for the plans and programmes.

4 Law n° 2018-727 for a State at the service of a trusted society (art. 62).

registration system for installations classified for environmental protection (ICPE), under which a case-by-case examination is carried out by the departmental prefect, and the modifications or extensions of projects falling within the scope of environmental authorisation.

Plans and programmes

Until 2016, the Ae was the competent authority on a fairly restricted list of plans or programmes initially defined by Decree No. 2012-616 of 2 May 2012. Drawing conclusions from rulings from both the European Union Court of Justice and the Council of State⁵ on the need to establish environmental authorities with real autonomy and with their own administrative and financial resources, decree n° 2016-519 of 28 April 2016, at the same time, amended the list of plans/programmes subject to environmental assessments.

Decree n° 2016-1110 of 11 August 2016 also opened up the possibility for the Minister for the Environment to submit a category of plans/programmes not included in this new list for systematic environmental assessment or following a case-by-case examination⁶.

The decree of 28 April 2016 also created the Environmental Authority Regional Missions (MRAe) of the General Council for the Environment and Sustainable Development (CGEDD)⁷. It therefore transferred the competence of the Environmental Authority, when it was previously entrusted to the prefects, to the Ae or MRAe, depending on the nature of the plans/programmes.

The regional missions, of which there are 20 nationally, have the power to issue environmental authority opinions on certain local or regional plans or programmes and on most urban planning documents (Territorial Coherence Plans (SCoT), land use plans (PLU) and municipal maps).

They are responsible for projects which are the subject of a referral from the National Commission for Public Debate and are not submitted for the opinion of the Minister for the Environment or the Ae and, in accordance with the technical note of 20 December 2017 (see note 2), for projects initially coming under the jurisdiction of the regional prefect, the Council of State having assessed that the system entrusting the MRAe with the delivery of opinions complies with European Union law. To carry out this environmental authority mission, the MRAe have technical support from officials in the Regional Directorates for Environment, Planning and Housing (DREAL), placed under the functional authority of the MRAe Chairs.

The Ae has seen an increase in the number of plans/programmes on which it has the authority to issue an opinion, on the basis that (as with the principles established for the projects) the Ae is the competent authority, in particular when a plan/programme is prepared by the Minister for the Environment's department or is approved by him/her (or by another Minister) and the Ae supervises the projects' execution. The Ae is also responsible for all national plans or when a plan/programme goes beyond the territorial limits of a region⁸.

The extension of the AE's activity concerns both plans/programmes that are subject to the obligation of carrying out an environmental evaluation resulting in an opinion and those falling within the scope of a case-by-case examination for which it makes "case-by-case" decisions, such as natural risk prevention plans (PPRNs) or technological risk prevention plans (PPRTs).

5 Judgment CJEU 474/10 "Seaport" of 20 October 2011 and EC decision - France Nature Environment (FNE) Association - 3 November 2016 - 360212.

6 This possibility, opened in III of article R. 122-17 of the French Environmental Code, was implemented for Atmospheric Protection Plans (PPAs) submitted for examination on a case-by-case basis by decree of the Minister for Ecological and Solidary Transition on 28 June 2017.

7 Conseil général de l'Environnement et du Développement durable / General Council for the Environment and Sustainable Development.

8 Cf. article R. 122-17 of the Environmental Code.

The decree of 28 April 2016 cited above also provided the Ae with the option to exercise the jurisdiction normally vested in a MRAe, for plans/programmes (including urban planning documents), on its own initiative and by a justified decision with regard to the case's complexity and environmental issues (known as the "evocation decision").

Finally, the decree of 2 October 2015 on the General Council for the Environment and Sustainable Development, last amended by the decree of 28 April 2016, provides that the Ae Chair will ensure the correct operation of the environmental authority's function exercised by the Ae network and the MRAEs.

To bring the practices and approaches of environmental authorities closer together, the MRAe Chairs shall inform the Chair of the AE, upon request, of the cases that present significant complexity or environmental issues in order to enable the Ae to exercise its power of evocation, if it considers it appropriate. They shall also inform the Ae of the agenda of each of their MRAe meetings. Symmetrically, when a case specifically concerns a region, the Ae Chair invites the Chair(s) of the relevant MRAEs to the session at which this deliberation is included. The latter may be represented by one of the members of the MRAEs they chair. The MRAe experts and representatives are not voting members at the Ae meeting.

About the Ae

Composition, operation, referrals, opinions and decisions issued, on the Ae's website:

www.cgedd.developpement-durable.gouv.fr

⇒ Ae section

A European Exercise Framework

The opinions and decisions of an environmental authority are part of the framework for the stipulations of the Aarhus Convention⁹ and Espoo Convention¹⁰ and the provisions of two European Union directives¹¹ transposed into French law¹² codified in articles L. 122-1 to L. 122-14 of the Environmental Code and L. 104-1 to L. 104-8 of the Urban Planning Code. The legal framework was significantly altered in 2016 by the provisions of order n° 2016-1058 of 3 August 2016, the main purpose of which was the transposition into national law of directive 2014/52/EU, and by the provisions of decrees n° 2016-519 of 28 April 2016 and n° 2016-1110 of 11 August 2016 (articles R. 122-1 to R. 122-28 of the Environmental Code and R. 104-1 to R. 104-33 of the Urban Planning Code). Their entry into force ranged from 12 May 2016 to 17 May 2017.

The order of 3 August 2016 was ratified by law n° 2018-148 of 2 March 2018. This law modifies V of article L. 122-1 and III of Article L. 122-4 of the Environmental Code in particular, by specifying that "The opinion of the Environmental Authority shall be the subject of a written response from the contracting authority" and that it is to be attached to the dossier submitted to a public enquiry or public consultation electronically, as provided for in article L. 123-19 of the Environmental Code.

9 Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters signed in Aarhus (Denmark) on 25 June 1998 (see website of Secretariat to the Convention: <https://www.unece.org/env/pp/welcome.html>).

10 Convention on the evaluation of the impact on the environment in a cross-border context (Espoo, 1991).

11 See the modified 2011/92/EU directive of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, known as the projects directive, and the 2001/42/EC directive on the assessment of the effects of certain plans and programmes on the environment, known as "Plans and programmes".

12 The 2011/92/EU directive was amended in 2014 by directive 2014/52/EU of 16 April 2014 for which the transposition deadline of 16 May 2017 was set by the Member States.

A goal of improving projects or plans/programmes to ensure increased consideration of the environment

Issued at a sufficiently early stage in the decision-making process regardless of their subject, the opinions are intended to improve the quality of the environmental assessment process and environmental considerations by the projects or plans in question. They relate therefore on the one hand to the quality of the project impact study or plan impact assessment report that reflects this approach and, on the other hand, analyse how the environment has been taken into account by the project or plan/programme.

The opinions are aimed at:

- the petitioner or the project owner, usually assisted by one or several consultants, who conducted the assessment process and prepared the documents submitted to the environmental authority;
- the public, in accordance with the principle of participation and the right of access to environmental information, in order to clarify the quality of the documents submitted and to enable the public to take part in the debates;
- the authority responsible for approving the project or plan/programme at the end of the whole process.

The aim is to improve the design of projects or plans/programmes in an iterative process, and to involve the public in the decision-making process.

An independent environmental authority

The function of the Ae is that of a guarantor who must attest to the proper consideration of environmental issues by the relevant contracting authorities/project owners and decision-making authorities.

The credibility of the guarantor therefore requires the absence of any tie to the latter. This led to the establishment of a dedicated body backed by the CGEDD, with specific operating rules preserving its autonomy of judgement and expression, in cases where the decision to be taken falls within one of the ministerial responsibilities of the Minister for the Environment. Although it predates the 2014/52/EU directive, it is fully in line with the objective pursued by the latter in both article 5 §3b)¹³ and 9b)¹⁴.

The Ae, without being an independent administrative authority¹⁵, is careful to avoid any suspicion of bias, or even the exploitation of its opinions. The collegiality of deliberations and the public nature of opinions and decisions immediately published on its website at the end of the discussions are in all likelihood the best guarantees in this field, as well as the public criticism to which they are subject.

The Ae also implements the provisions set out in its internal rules:

- individual declarations of interest filed by all members;
- publication of the names of the voting members on each opinion;
- non-participation of members liable to conflicts of interest in certain proceedings.

In 2018, this last provision applied to 23 opinions, affecting seven different members of the Ae in total.

13 Art. 5 §3b) "the competent authority shall ensure that it has, or has access to, sufficient expertise to examine the environmental impact assessment report".

14 Art. 9b: "The Member States shall ensure that the competent authority or authorities perform the tasks arising from this directive in an objective manner and are not in a position that may give rise to a conflict of interests".

15 See law n°2017-55 of 20 January 2017 on the general status of independent administrative authorities and independent public authorities. The Chairman is not subject to any specific status.

Ae members

CGEDD permanent members

Philippe LEDENVIC,
Chairman

Christian DUBOST
as of 7 December 2018

Éric VINDIMIAN,
*Also member of the
Provence-Alpes-Côte d'Azur MRAe*

Fabienne ALLAG-DHUISME,
*also Chair of the Pays-de-Loire
and Corsica MRAe
until 31 August 2018*

François Duval
until 31 August 2018

Annie VIU
as of 28 February 2018

Marie-Hélène AUBERT

Louis HUBERT

Michel VUILLOT,
*also member of the
Normandie MRAe*

Pascal DOUARD
as of 28 February 2018

Thérèse PERRIN,
*also member of the
Pays-de-Loire MRAe*

Véronique WORMSER

Members appointed as qualified persons

Barbara BOUR-DESPREZ

*General engineer of bridges, water and forests.
Member of the General Council of Food, Agriculture and
Rural Areas.*

Christine JEAN

*Chairman of the Environment Commission of the
Economic, Social and Environmental Regional Council of
Nouvelle-Aquitaine, deputy treasurer of the League for
the Protection of Birds*

Marc CLÉMENT

*Chair of the Administrative Tribunal of Lyon, founding
member and member of the executive committee of
the European Law Institute. Member of the Compliance
Review Committee with respect to the provisions of the
Aarhus Convention.*

François LETOURNEUX

*Vice-chairman of the French committee of the
International Union for Conservation of Nature
(IUCN), former Director of the Coastal and Lake Shore
Conservatory, former Director of Nature and Landscapes
within the Ministry for the Environment.*

Sophie FONQUERNIE

*Farmer in the Doubs. Vice-chairman of the Bourgogne-
Franche-Comté region responsible for agriculture,
viticulture and agri-food.
Associative commitment to French Farmers and
International Development (AFDI). Previous responsibilities
in agricultural trade unionism, the commune,
intermunicipality and the Chamber of Agriculture.*

Serge MULLER

*Professor of the National Museum of Natural
History, Chairman of the National Council for Nature
Conservation (CNP), Chairman of the Species Protection
Committee of the French committee of the IUCN.*

The permanent team

Daniel BERTHAULT
until 1 October 2018

Marie-Françoise FACON
since 1 February 2018

Charles BOURGEOIS

Caroll GARDET

Thierry CARRIOL
until 1 February 2018

Aurélia MALARD
since 1 March 2018

Armelle DIF

François VAUGLIN

CGEDD permanent members



PHILIPPE LEDENIC



FABIENNE ALLAG-DHUISME



MARIE-HÉLÈNE AUBERT



PASCAL DOUARD



CHRISTIAN DUBOST



FRANÇOIS DUVAL



LOUIS HUBERT



THÉRÈSE PERRIN



ÉRIC VINDIMIAN



ANNIE VIU



MICHEL VUILLOT



VÉRONIQUE WORMSER

Qualified persons



BARBARA BOUR-DESPREZ



MARC CLÉMENT



SOPHIE FONQUERNIE



CHRISTINE JEAN



FRANÇOIS LETOURNEUX



SERGE MULLER

The permanent team



DANIEL BERTHAULT



CHARLES BOURGEOIS



THIERRY CARRIOL



ARMELLE DIF



MARIE-FRANÇOISE FACON



CAROLL GARDET



FRANÇOIS VAUGLIN

Methods and internal operations

The working methods are described below for each type of production: opinions, decisions to submit or not submit projects and plans or programmes for environmental assessment¹⁶ following a case-by-case examination, decisions for evocation.

The opinions

The Ae systematically delivers its opinions within a maximum of three months after the referral¹⁷, by a collegiate deliberation, based on projects prepared by its members (or by non-voting members of the Ae permanent team). The implementation of the Environmental Authority Regional Missions (MRAe) provided an opportunity for MRAe members to be the rapporteurs of draft Ae opinions, with the aim of developing a common culture. This practice, initiated in 2016, continued in 2018.

The rapporteurs, of which there are usually two¹⁸, carry out their investigations independently¹⁹, based on an analysis of the cases provided by the petitioners, organising site visits and those interviews they consider useful. If necessary, they request contributions from experts to provide the Ae with a basic understanding of complex issues. They prepare draft opinions according to a common framework.

The draft opinions prepared by the rapporteurs are distributed to all members one week before the AE's bi-monthly plenary meetings. They are the subject of comments and written communication by members before the session, followed by debates on all the fundamental issues raised during this prior examination. Whether substantive or procedural, each comment is explicitly taken into account. The definitive drafting, which has been systematically based on consensus for several years, is thus decided in session.

The contribution of the collegial discussion is decisive because it makes it possible to cross-reference expert assessments and complementary readings on each of the opinions and progressively establish stable elements of response to the questions of principle mentioned later in this report.

16 The environmental assessment is a process involving the preparation of an environmental impact assessment report by the contracting authority, the delivery of planned consultations, as well as the examination by the authority competent to authorise the project of all the information submitted in the impact assessment or environmental report and received during the course of the consultations carried out and from the contracting authority (see III of article L. 122-1 and 2° of I in article L. 122-4 of the Environmental Code).
The "impact assessment" refers to the project impact assessment report while the "environmental report" relates to plans and programmes.

17 Within two months for projects identified by the Minister for the Environment and delegated to the AE.

18 In 2018, more than three-quarters of opinions were drawn up by a team of two rapporteurs, with the other opinions being drawn up by a single rapporteur.

19 See the CGEDD rules of procedure (decree of 12 May 2016), and in particular paragraph 12 thereof: "The rapporteur has full powers of investigation and consultation on the case under his/her responsibility, in accordance with the conditions defined by the mission guidelines and the CGEDD charter and within the limits imposed by the laws and regulations in force. In addition to the departments for which consultation is provided for by the regulations, the rapporteur consults any person whose opinion he/she considers useful."

The opinions are posted on the Ae's website²⁰ on the same day as the opinion drafting session and are formally circulated to the petitioner and the authority responsible for examining the case by the following day. Since the creation of the Ae in 2009, no case has been subject to a tacit opinion (no opinion given within the time frame).

With regard to the preliminary framing, according to Article R. 122-4 of the Environmental Code, a project owner may ask the authority responsible for approving the project - which then turns to the French Environmental Authority - to "deliver an opinion on the scope and the degree of precision of the information to be provided in the environmental impact assessment". The Ae asks for clarification on any specific questions and the difficulties in interpreting the provisions of the Environmental Code which justified the request for a preliminary framing. This option is open for all plans and programmes (article R. 122-19 of the Environmental Code). These opinions are deliberated and published, like all other Ae opinions.

²⁰ Web link: http://www.cgedd.developpement-durable.gouv.fr/rubrique.php?id_rubrique=145

The Ae does not provide an opinion on the appropriateness of a project; it therefore never concludes its opinions with a synthetic statement of a "favourable" or "unfavourable" rating. Article L. 122-1-1 of the Environmental Code specifies that "the competent authority to authorise a project submitted for environmental assessment takes into consideration (...) the opinion of the authorities mentioned in V of Article L. 122-1" including the opinion of the environmental authority. The Ae recalls these elements in a box in the preamble of each of its opinions.

For plans and programmes, the texts anticipate that the Ae will issue an opinion on the environmental assessment report and how the plan or programme takes the environment into account.



Land-use and agricultural planning and forest management (AFAP) of Scorbe-Clairvaux and Colombiers (86)



Offshore wind farm off the coast of Ile d'Yeu and Noirmoutier (85)

Decisions on whether or not to submit to an impact assessment or an environmental assessment on a “case-by-case” basis

The case-by-case review of projects and plans/programmes, as well as the final decision-making process follow the same principle: the draft decisions, prepared by a member of the permanent team, are examined by a review panel, composed of two Ae members appointed quarterly, and are then presented for signature to the Chair, who has been delegated by the AE. The decisions are delivered within the statutory deadline of 35 days after referral for projects and two months for plans/programmes. They are immediately made public. The Ae Chair²¹, as part of the delegation of authority granted to him/her, as well as any member of the review board, may request that the review of a draft decision with a view to its adoption by collegial deliberation be put on the agenda of an Ae session, if he/she considers it useful. In practice, this inclusion in the agenda is systematic for any examination of a response to an informal appeal or a judicial appeal lodged against a decision.

Here also, the collegial discussion's contribution is decisive as regards the reason of the decision and the meaning retained. The decisions on projects are motivated based on three categories of preambles (nature of the project, location, environmental impacts expected), those on plans/programmes are based on two categories of preambles (plan characteristics, zone characteristics and predictable impacts)²².

21 Refer to the decision by the delegation of 14 January 2019, published in the Official Bulletin of the Ministry for an Ecological and Solidary Transition.

22 Drawing on the criteria described in Appendix III of Directive 2011/92/EU of 13 December 2011 and Appendix II of Directive 2001/42/EC of 27 June 2001 respectively.

When cases are part of a larger project²³ that is subject to an environmental impact assessment (for example, land clearing within the framework of completing a high-speed line (LGV) or a compression installation within the framework of building a gas pipeline), they may, depending on the case, be the subject of a letter specifying that the request for case-by-case review is not permissible or a decision including a preamble stating that it is under the overall project that an environmental impact assessment must be produced. Signing off on the decision is delegated to the Chair of the French Environmental Authority (and, if the latter is unable to do so, to a permanent member of the AE).

The decision is then taken as to whether or not the case is submitted for environmental assessment. It has no accompanying recommendation. The decision mentions, however, that should the case not be submitted for an environmental assessment, the decision-making authority is obliged to check, at the authorisation stage, that the project corresponds to the characteristics and measures that justified the decision for exemption (V of Article R. 122-3 of the Environmental Code). Since the entry into force of law n° 2018-1021 of 23 November 2018 on the development of housing, planning and digital technology, when the Environmental Authority decides to submit a project or plan for an environmental assessment following a case-by-case examination, the decision shall define the specific objectives pursued by the completion of an environmental assessment of a project or plan.

23 Refer to the last paragraph of III in article L. 122-1: “When a project consists of several works, installations, structures or other interventions in the natural environmental or landscape, it must be understood in its entirety, including in the case of a division of time and location and in the case of more than one project owner, so that its effects on the environment can be assessed from every angle”.



Reconfiguration of the Poutès dam (43)



Decisions for evocation

On the basis of feedback from the MR Ae Chairs, the Ae Chair consults the Ae members on the advisability of exercising the expertise normally assigned to the MR Ae on a plan/programme or a given urban planning document, in view of the complexity and environmental issues involved. Once the decision-in-principle has been adopted, a rapporteur from the permanent team prepares a draft decision of evocation, on the basis of elements given by the DREAL acting on behalf of the MR Ae. This is then subject to deliberation by the Ae in the same way as the deliberations on the opinions.

The permanent team

As of 31 December 2018, the French Environmental Authority's permanent team comprises six members. This team contributes to the day-to-day running of the AE: analysing incoming cases (completeness of the case, the Ae's competence), administrative follow-up of cases and activity, online uploads, organising meetings, answering questions from project owners, administrative authorities and other interested bodies. Four of its members also participate as rapporteurs in the technical analysis of cases and the preparation of draft opinions and decisions on a case-by-case basis and in the drafting of administrative communications.

2018 Referrals

The environmental assessment reform carried out in 2016 (modification of the classification table attached to article R. 122-2 of the French Environmental Code) led to a reduction in the number of projects submitted for systematic impact assessments and, conversely, extended the scope of case-by-case reviews.

2017 was characterised by a double phenomenon: on the one hand, there was a relative decrease (14%) in the number of opinions issued (96²⁴ compared with 112 in 2016). On the other hand, there was a very significant increase in the number of case-by-case decisions (251 decisions compared to 117 in 2016, i.e. a 114% increase), with this increase being observed both for projects (89 decisions in 2017 compared to 69 in 2016) and for plans/programmes (162 decisions in 2017 compared to 48 in 2016²⁵).

2018 saw a slight downward trend for decisions following case-by-case assessments, with 180 case-by-case decisions given, 83 of which related to projects and 97 of which related to plans or programmes. This reduction in the number of decisions can partly be explained, in the case of projects, by the entry into force of the law of 10 August 2018 which gives the departmental prefects powers for case-by-case decisions relating to "modifications and extensions of activities, installations or works covered by the authorisations provided for in articles L. 181-1, L. 512-7, L. 555-1 and L. 593-7".

24 Including three applications to withdraw.

25 It should be noted, however, that this figure only covers the last six months of 2016, with jurisdiction over decisions on case-by-case plans/programmes having been allocated to the Ae with effect from 17 May 2016.



Natural risk prevention (PPRN) for the Charente estuary (17) - Fouras and Ile d'Aix

107 opinions issued in 2018

In 2018, the Ae was called upon for a larger proportion of opinions on plans or programmes, as well as road infrastructure projects, than in previous years.

PLANS OR PROGRAMMES

As far as plans or programmes are concerned, 2018 was characterised first and foremost by the large number of referrals regarding the review of regional action programmes relating to nitrates (PAR). There were ten referrals concerning the regions of Auvergne-Rhône-Alpes, Bourgogne-Franche-Comté, Brittany, Grand Est, Hauts-de-France, Normandy, Nouvelle-Aquitaine, Occitanie, Pays-de-la-Loire and Provence-Alpes-Côte d'Azur.

The Ae also received three requests for plans relating to forests, woods or biomass (Bourgogne-Franche-Comté, Brittany, Provence-Alpes-Côte d'Azur), as well as three requests for guidance prior to creating Regional Models for Organisation, Sustainable Development and Inter-Regional Equality (Sraddet) from Grand Est, Centre-Val de Loire and Auvergne-Rhône-Alpes.

The analysis of these opinions is summarised in the central section of this annual report.

Following previous decisions taken on a case-by-case basis, it also issued three opinions on draft Natural Risk Prevention Plans (PPRN): Charente estuary (17) - Île-d'Aix and Fouras communes; Charente estuary (17) - Communes of Rochefort, and on the Natural Risk Prevention Plan for ground movement in Perrier (63).

More specifically, it has also issued opinions on five other plans: the first Multi-Annual Energy

Plan of Wallis and Futuna (986) for the 2016-2018 and 2019-2023 periods, the 2018-2023 Atmosphere Protection Plan (PPA) for the Arve Valley (74), the first modification of a regional development scheme (SAR) for Réunion, and the draft charter for the national forest park project in Bourgogne-Franche-Comté. Unlike in 2017, it was not asked to give an opinion on the regional natural park charters. After the examination, it also issued an opinion on the revision of the Territorial Cohesion Plan (SCoT) for Montpellier Méditerranée Métropole (34).

ROAD PROJECTS

A third of the road projects are motorway projects and two-thirds are local road projects (bypasses or additional service roads).

The Ae was therefore obliged to issue opinions on two old projects, the west bypass of Strasbourg (67) and a new motorway link between Machilly and Thonon (74). Three other major projects involve making the A61 motorway into 2x3 lanes between Villefranche-de-Lauragais and Narbonne (11), the development of the A480 and the Rondeau interchange at the Grenoble crossing (38) and the widening of the Metz bypass by the A4 motorway into 2x3 lanes (57).

The redevelopment of the Chambéry motorway interchange and the junction between the A7 and A54 are two other more local motorway projects that the Ae has issued an opinion on.

In most cases, the road projects submitted to the Ae are aimed at diverting traffic away from the city centre (RN 147 in Lussac-les-Châteaux (86), RN 113 in Lunel and Lunel-Viel (34), RN 59 in Châtenois (67)) or developing existing roads, by widening them if necessary (Arcachon bay south service road (33), RN 85 between Pétichet and Pierre-Châtel (38), Corbeville interchange (91), RN 154 south of Dreux (528), Bonneuil-sur-Marne port connection (94), RN 176, Rance (35), RD 70 in the Nord department in Raismes and Petite-Forêt), with the special case of the RN 164 in Mur-de-Bretagne being made into a 2x2 lane road as part of the State's goal of completing the Breton road plan (1969), the aim of which is to transform the entire route.

In 2018, the Ae was only called upon for a very small number of land-use and agricultural planning and forestry management (AFAF) projects to remedy the disturbances caused by certain types of infrastructure (mainly roads).



Widening of the Metz bypass by the A4 motorway into 2x3 lanes (57)



Improvement of the A7-A54 bifurcation in Salon-de-Provence, Lançon-Provence and Pélissanne



Bellevue quarry
in Saint-Paul (974)

OTHER PROJECTS

Eight landmark energy production projects were presented to the AE: five offshore wind energy projects (wind farms installed on the Île d'Yeu and Noirmoutier (85) and Dieppe - Le Tréport (76), the pilot floating wind farms of Groix and Belle-Île (56), Camargue (13) and the Gulf of Lion (66)); two projects led by the Total group (modernisation of the Donges refinery (44), offshore oil exploration off the coast of French Guiana (973)); a new combined cycle power plant in Ajaccio (2A). Several cases relate to electricity transportation or distribution (electrical substation) or gas (moving pipes) projects.

Another opinion related to a new nuclear waste storage facility in La Hague (50) and two opinions concerned gas depots supplying the Navy in Toulon (83).

For various reasons (deposit of materials of national importance or the evocation of cases by the Minister - see further below), the Ae has issued three opinions regarding quarry authorisations that involve major issues (Ciments Calcia in Brueil-en-Vexin (78), Bellevue, and Saint-Leu in Réunion (974)).



Creation of a PGPOD (multi-annual management plan for maintenance dredging operations) (UHC n° 3) 2018-2027 for the Canal Latéral à la Loire and the Canal de Roanne à Digoïn (03-18-42-45-58-71)

In 2018, the Ae was called upon a number of times for dredging operations on marine or river sediments to preserve access to navigation channels, including a number of multi-annual management plans (PGPOD):

- the multi-annual management plan for the Two Seas Canal dredging operation, Haute-Garonne section (31),
- the multi-annual management plan for the dredging operations in several coherent hydrographical units (UHC n° 3, 5, 6, 7, 8) by the Nord-Pas-de-Calais regional directorate of the French Navigable Waterways (Voies navigables de France) (59-62),
- the multi-annual management plan for the dredging operations (UHC n° 3) in the Canal latéral à la Loire and the Canal de Roanne à Digoïn (03-18-42-45-58-71).

As in 2017, the Ae has repeatedly noted the shortcomings of these case files. Two case files were withdrawn by the contracting authority (Canal du Loing and the Briare Canal).

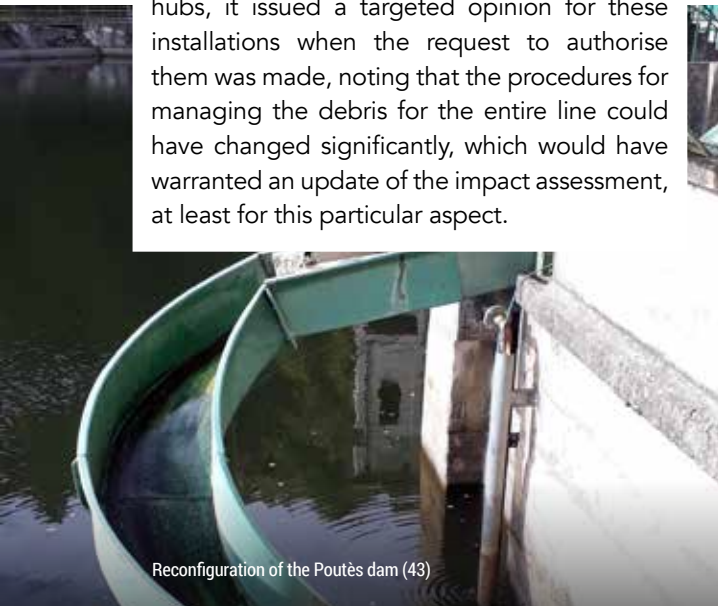
The Ae also received two case files showing large volumes of sediments related to maintenance dredging operations in the Lorient harbour (56) and the Gironde estuary by the Grand Port Maritime of Bordeaux (33). Some case files related to other port projects (wharf at the Grand Port Maritime of Dunkirk, logistics platform at the Grand Port Maritime of Havre).

Three projects also involved reconfiguring various dams (Castelviel, Chazilly, Vaux) with a view to ensuring their safety and a hydroelectric generation dam in order to improve transparency for fauna and sediments (Poutès).

Compared with previous years, the number of case files related to guided transport projects decreased significantly, mainly with regard to environmental authorisation applications for Grand Paris Express lines, as well as the CDG Express project. Only one case file involved a Declaration of Public Utility request (RER E Est+ project). The Ae also received several environmental approval requests for classified installations for the environmental protection of these lines (particularly the operating centre for lines 16 and 17, the debris transit hubs, modification of existing SNCF sites, etc.). Despite the fact that it did not believe that a new opinion was needed for the various transit hubs, it issued a targeted opinion for these installations when the request to authorise them was made, noting that the procedures for managing the debris for the entire line could have changed significantly, which would have warranted an update of the impact assessment, at least for this particular aspect.

In the second half of the year, three major development projects were also submitted to the AE: the Pleyel urban project (93), Toulouse EuroSudOuest (31) and the first ZAC project (Olympic village), in connection with the organisation of the 2024 Olympic Games, in Saint-Denis (93). Another major project involves the redevelopment of a former air base in Couvron-et-Avrencourt into an autodrome, aerodrome and activity area (02), in a more rural area.

Lastly, a number of unusual opinions concerned one-off projects: the alluvial path of Baillargues (34), the development of an observatory in the nature reserve of the Pond of Cousseau (33), an isolated logistics platform near Montpellier airport (34), the management of the river Oyapock and Camopi river falls (973), the strengthening and upgrading of the Gois and Mattes dykes in the Barbâtre commune (85).



Reconfiguration of the Poutès dam (43)



Strengthening and upgrade works on the Gois and Mattes dykes in the Barbâtre commune (85)

Decisions made on a “case-by-case” basis in 2018

As in 2017, in terms of plans and programmes, the number of decisions remains attributable to the decree of 28 April 2016 that extended the scope of plans and programmes submitted on a case-by-case basis and, more specifically, the submission of plans for preventing foreseeable natural risks to this procedure. As such, with the exception of a decision relating to the Atmospheric Protection Plan (PPA) for the Arve valley, all of the decisions made on plans and programmes relate to risk prevention plans.

As far as projects are concerned, the modification in 2017 of the nomenclature of article R. 122-2 of the French Environmental Code, which subjected projects that had previously been subjected to a systematic environmental assessment to a case-by-case assessment, still explains the relatively high number of decisions. However, the Ae does not have the hindsight needed to assess the effect of the registration system for installations that are classified for environmental protection, nor the effect of the entry into force of article 62 of law n° 2018-727 of 10 August 2018 for a State at the service of a trusted society²⁶.

The decisions resulted in 34 projects being submitted for environmental assessment and led to the finding that a number of other cases related to larger projects (which is often the case for multimodal transit hubs that are part of urban projects), referring either to the consideration of plans presented in

²⁶ See note 4.

another impact assessment in the process of being drawn up, or, as in three of the cases, to the request to update an existing impact assessment or, finally, for the rest of the cases, to the conclusion that there is no need to update the current impact assessment, and the opinion issued previously by the Environmental Authority is to be taken into account without any amendments²⁷.

Despite the security that it can provide to the contracting authorities, the provision introduced by the law of 2 March 2018²⁸ which enables a contracting authority, “In case of doubt as to the assessment of the significance of [modifications] and the need to update the impact assessment, to consult the opinion of the Environmental Authority” has not yet been employed.

Development projects (32 decisions) are the most represented category amongst these projects, followed by road projects (20) and rail projects (18). The term “development” covers a wide range of projects (urban crossing, development of a mooring area, creation of a Park & Ride, development of a multimodal transit hub, offshore bar development or a project for adding sand to a dune). In particular, the Ae submitted two classified site clearing projects for environmental assessment prior to recultivation.

²⁷ In an exceptional case, a case file was implicitly submitted for an environmental assessment, in the absence of a formal decision made within the deadline and pending the request for additional information. The file, presented for a second time with the additional information, was then exempted from the environmental assessment.

²⁸ See article L. 122-1-1 III of the French Environmental Code.

For plans/programmes case files reviewed on a case-by-case basis, almost all decisions (84 decisions, or nearly 86%) related to natural risk prevention plans (PPRN). This category includes coastal risk prevention plans, flood risk prevention plans, forest fire risk prevention plans and land movement risk prevention plans. The other decisions mainly concern Technological Risk Prevention Plans (PPRT) (12 decisions). Eight risk prevention plans concern overseas territories (Réunion (6), Guadeloupe (1) and French Guiana (1)).

The Ae submitted the Arve valley atmospheric protection plan for an environmental assessment, which it issued an opinion on in 2018, as well as three risk prevention plans, a small proportion (3%) which remains constant in relation to previous years.

Five decisions were appealed: three involved projects and two involved plans and programmes. The Ae upheld its decisions on whether or not to submit them for an environmental assessment in all of the cases with valid reasons.



Widening of the A61 into 2x3 lanes between the A66 and A9 (31, 11)



Gardanne Power Station
Regional biomass scheme for the
Provence-Alpes-Côte d'Azur region 2017-2023

Decisions for evocation

In accordance with the provisions introduced by the decree of 28 April 2016 reforming the environmental authority, the Ae may evoke at its level, with regard to a case's complexity and environmental issues, plans/programmes or urban planning documents normally falling under the competence of an MRAe. It then replaces the latter to issue the opinion on the documents that it has decided to evoke.

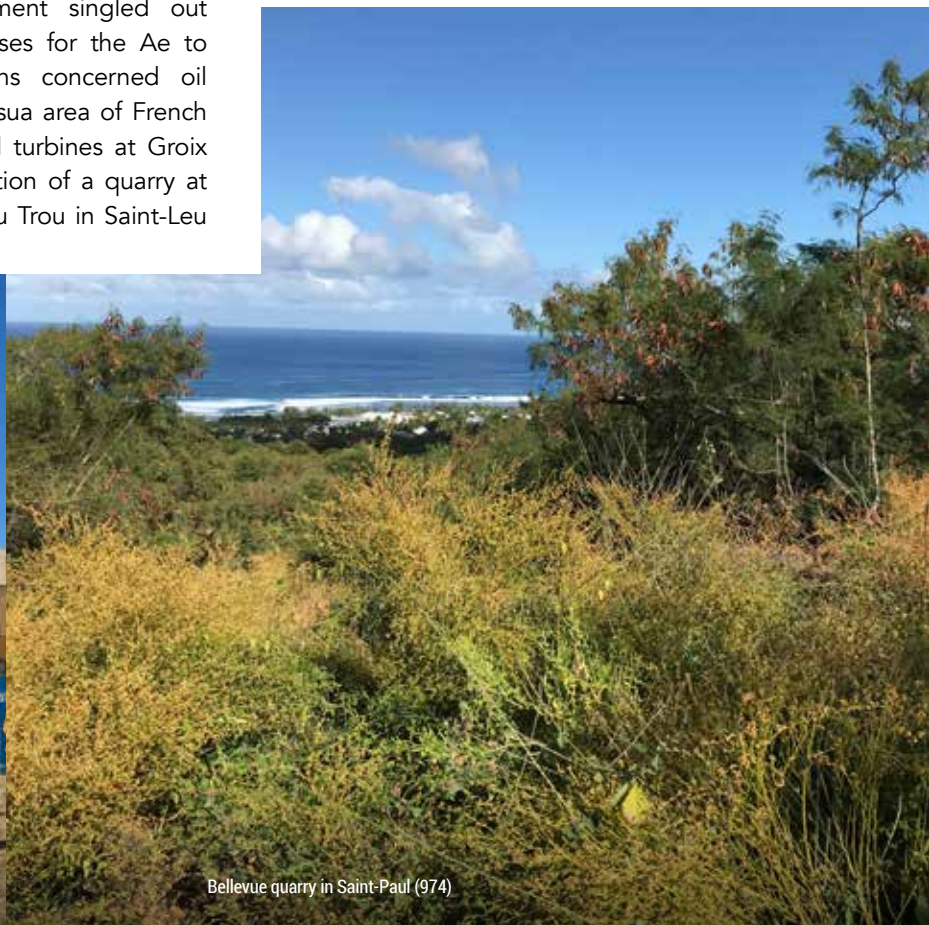
In 2018, the Ae made four evocation decisions (versus eight in 2017) involving two cases relating to the compliance of urban planning documents linked to a project, and two evocations of urban planning documents (a territorial coherence plan - Montpellier, and a local urban development plan - Saint-Claude commune (971)).

In the context of decision n° 400559 of 6 December 2017 by the Council of State, the Minister for the Environment singled out 13 particularly sensitive cases for the Ae to investigate. These opinions concerned oil exploration work in the Nasua area of French Guiana (973), floating wind turbines at Groix and Belle-Île (56), the creation of a quarry at a place known as Ravine du Trou in Saint-Leu

and ensuring the compliance of the local urban development plan of the commune of Saint-Leu and another (Bellevue) in the commune of Saint-Paul (974), the modernisation of the Total refinery in Donges (44), the transformation of the household waste treatment centre of Ivry-Paris XIII in Ivry-sur-Seine (94), the development of a marina in the commune of Brétignolles-sur-Mer (85), providing connections to Bordeaux airport through public transport and ensuring the compliance of the local urban development plan of Bordeaux-Métropole (33), the opinion on the maintenance dredging operations and piling of immersible sediment over the 2018-2027 period in the Lorient harbour (56), the joint development zone (ZAC) "Olympic and paralympic village" (93), the pilot floating wind farms of Camargue (13) and the Gulf of Lion (11), and a project to develop a residential and tourist hub in Tosse (40).



Installation of a combined-cycle power plant in Ajaccio (2A) - Ricanto site



Bellevue quarry in Saint-Paul (974)

Ae administrative communications

Since 2014, the Environmental Authority produces “administrative communications” which take the form of summaries with a commentary of the opinions issued and the areas for further discussion, on a given theme or type of project. Each communication is drawn up in light of the opinions issued by the Ae at the date of its deliberation, the reflections and questions raised within the Ae or following exchanges with various stakeholders, and according to the legislation and the regulations in force at the time. No new administrative communications were deliberated in 2018. A draft administrative communication relating to road infrastructure is due to be deliberated in early 2019.

Ae's contribution to the public consultation on the draft decree relating to the reform of the Environmental Authority

Following decision n° 400559 of 6 December 2017 referred to in footnote 2, the Government prepared a draft decree reforming the Environmental Authority on projects. In a similar configuration in 2012, the Minister for the Environment called upon the Ae for an opinion on the draft decree relating to the assessment of certain plans and documents with an impact on the environment²⁹.

²⁹ See Ae opinion n°2012-11 of 14 March 2012. See page 9 above: decree n°2012-616 of 2 May 2012 was the subject of a dispute which led to the approval of decree n°2016-519 of 28 April 2016. Several recent rulings have led to the cancellation of plans drawn up according to the contested decree (most regional climate-air-energy and ecological coherence plans and, more recently, following the decree of 2016, the Seine-Normandie SDAGE and the Vallée de la Chimie PPRT).

Members of the AE, an organisation set up ten years ago to provide independent opinions on matters involving the Minister for the Environment, wanted to deliberate, on a collegial basis, on a contribution to the public consultation on this new draft³⁰. The Ae recalls its commitment to the legal certainty of public decisions, the independence of Environmental Authorities, and the overall clarity of the system in the eyes of the public, which would justify a clear legal framework that respects these principles, adequate resources and the seeking of converging interpretations and positions amongst all of the authorities concerned.

At the time of finalising this annual report, the Ae is not aware of any developments in this project.

³⁰ See the contribution of 11 July 2018.



Strengthening and upgrade works on the Gois and Mattes dykes in the Barbâtre commune (85)





Ae

Focus on...

- "Sustainable development" plans and programmes? p. 28
- Sraddet preliminary framing p. 35
- Offshore wind turbines p. 38
- Major urban projects p. 43
- Major industrial projects p. 50

“Sustainable development” plans and programmes?

Among the many planning documents adopted at national or regional level, a large number of them contain guidelines for protecting the environment, somewhat affirmed by the texts that established them. A number of these plans or programmes are part of an environmental assessment approach, which only appears to be a paradox:

- on the one hand, because the environment is pluralistic and because, more often than not, different plans target a particular segment of the environment (water, air, biodiversity, forest, etc.) and because their provisions have to be analysed in terms of their effects on all of the segments of the environment;
- on the other hand, because the coherence of the various actions included in a plan must be verified, as well as the consistency of the plan and its cumulative effects with other plans corresponding to the same or a different scale of analysis.

Just as, if not more important, and as shown by the review conducted by the Ae with its various opinions, is the question of judging if the plan's aim is consistent with the higher-level documents, appropriate for the environmental issues of the territory that it applies to, and whether the provisions set out in the plan would enable the objectives assigned to it to be achieved.

In 2018, the Ae received ten regional action programmes for the protection of water against nitrate pollution from agricultural sources (PAR [regional action programme] nitrates). It deliberated on the draft charter of the national park covering the forests of Burgundy and Champagne when it was created, the Multi-Annual Energy Plan (PPE) of Wallis and Futuna, as well as the forest and timber programme in Brittany, the forest and timber contract of Bourgogne-Franche-Comté and the regional biomass scheme in Provence-Alpes-Côte d'Azur.

In accordance with the decisions that it had taken regarding environmental assessment submissions, it also deliberated on three opinions on natural risk prevention plans, as well as an opinion on the atmospheric protection plan in the Arve Valley.

Finally, it published three preliminary guidelines opinions for Regional Models for Organisation, Sustainable Development and Inter-Regional Equality (Sraddet), which must put forward a coherent strategy that includes several environmental issues (climate-air-energy, waste, blue-green infrastructure, intermodality). It also issued an opinion on the modification of a regional planning scheme in Réunion, the purpose of which was similar to that of a Sraddet scheme - see the “focus on” section below.



Gardanne Power Station
Regional biomass scheme for the Provence-Alpes-Côte d'Azur region 2017-2023



For the AE, the environmental assessment of a plan, especially when it is intended to preserve the environment, should provide the plan designer with a tool for verifying the nature and significance of its environmental effects. They could consequently test different hypotheses and variants until they reach the optimal plan. The method advocated by the Ae involves the contracting authority identifying the levers for reducing pressures on the environment, identifying, through modelling, the relationship that exists between the level of each lever and its effects on the environment, and deducing the planned improvement pathway once the plan has been adopted. It then consists of setting up monitoring instruments that, through a new action on the levers or through the search for new actions, will make it possible to correct any deviations from the pathway where necessary. This method assumes that the environmental assessment goes alongside the establishment of a plan, rather than being used too often as a *retrospective* justification.



Nitrate plans

Nitrate regional action plans are prime examples of environmental protection plans. They define the national plan itself, adopted pursuant to directive n° 91/676/EEC of 12 December 1991 on the “protection of water against pollution caused by nitrates from agricultural sources”. Article R. 211 - 80 of the French Environmental Code states that “these programmes shall include the measures and actions needed to ensure the proper control of nitrogen fertilisers and the appropriate management of agricultural land in these areas, with a view to limiting nitrate leakages to a level that is compatible with the objectives for restoring and maintaining the quality of groundwater, surface freshwater and estuary waters and coastal and marine waters”. The Ae took note of these objectives, used them as a reference and concentrated on analysing the extent to which the regional programmes were able to achieve them. Results varied significantly. It was only in Brittany, where there was a situation with a significant surplus of nitrogen, that significant improvements were reported, but the few favourable results in all regions remained limited, insufficient and uncertain, without always being attributable to the plan’s measures.

It must be noted that none of the nitrate regional action plans reviewed by the Ae were designed in accordance with such an approach. None of the regional contracting authorities were able to demonstrate that the measures taken to reduce agricultural nitrogen pressure on aquatic environments could lead to the ultimate elimination of excess nitrogen and eutrophication from agricultural sources. In many cases, it is not even possible to predict nitrogen levels in water. In several other cases, the assessment of previous plans, where they exist, is very brief, taking just a few results from analyses carried out in the environment without even referring to the observations of the services responsible for water policy, or calling upon those in the agricultural profession, and without reference to a usable sustainable monitoring system.

Generally speaking, only the “nitrates” scope is taken into account, as the objectives of the Framework Directive on Water³¹ are not taken into consideration in the environmental assessments nor the plans themselves. The same applies to the Marine Strategy Framework Directive³², while many eutrophication development areas are located in coastal areas. It appears that the scientific work carried out in recent years by French researchers, including the National Institute of Agricultural Research (Institut national de la Recherche agronomique - Inra), as well as the result of a collective expert assessment³³ commissioned by the public authorities, was not taken into account by the services or integrated into environmental assessments.

The Ae also notes that the approach to the nitrates issue is dissociated from the means of action implemented. Environmental assessments have not been regarded as a tool for combining means of action and approaches, whether they are regional, basin or national, to be able to assess the overall effects on all of the environments in question.

Following on from the opinion it issued in 2016 on the national action plan, which included the limits of the guidelines adopted³⁴, the Ae therefore had to issue very critical opinions for each of the nitrate regional action plans that it examined, all the more so because this was the sixth generation of plans³⁵.

31 Directive n° 2000/60/EC of 23/10/00 establishing a framework for a Community water policy.

32 Directive n° 2008/56/EC of the European Parliament and Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (known as the “Marine Strategy Framework Directive”).

33 J.-L. Peyraud, P. Cellier, (coord.), F. Aarts, F. Béline, C. Bockstaller, M. Bourblanc, L. Delaby, C. Donnars, J.Y. Dourmad, P. Dupraz, P. Durand, P. Faverdin, J.L. Fiorelli, C. Gaigné, A. Girard, F. Guillaume, P. Kuikman, A. Langlais, P. Le Goffe, S. Le Perchec, P. Lescoat, T. Morvan, C. Nicourt, V. Parnaudeau, J.L. Peyraud, O. Réchauchère, P. Rochette, F. Vertes, P. Veysset, 2012. Les flux d'azote liés aux élevages, réduire les pertes, rétablir les équilibres. [Nitrogen flows linked to farming, reducing losses, restoring balance.] Collective expert assessment, report, Inra (France), 527 pages.

34 See Ae opinion n°2015-101 of 16 March 2016.

35 It even seems surprising that one of them, although it could only note deteriorations in relation to previous results, contented itself with simply repeating the measures, at best without any apparent regression, whereas this observation ought to have led to a more critical view of the current plan.

While European disputes on the implementation of the nitrates directive appear to be over, having resulted in these plans changing in order to ensure compliance, the Ae stressed that there was still a major risk of not achieving the good chemical and ecological status of water as provided for in the Water Framework Directive, in particular because of the nitrates factor. It also judged that the reduction in the use of water treatment for feeding populations, in terms of both economic and health interests, was compromised.

Regional forest and timber programmes

The regional forest and timber plans (PRFB) reviewed by the Ae in 2018 are in line with the opinions issued by the Ae for the preliminary guidelines for the National Wood Forest Plan (PNFB) at the end of 2015 and for the PNFB environmental assessment in mid-2016.

While forest policy, which PNFB and PRFB are instruments of, is aimed at developing the timber industry, it reflects a desire to adapt to societal expectations and climate change within the framework of sustainable forest management. Respect for the proper functioning of the forest ecosystem then converges with the optimisation of timber production.

The objectives of the PRFB have been adapted to specific regional characteristics, as envisaged by the PNFB project management, aware that the attempt to ensure coherence at national level with the national low carbon strategy would have to be compared with the reality on the ground. In particular, as far as the level of timber harvesting in forests is concerned, it transpired that the knowledge kit, the result of a study entrusted to ADEME³⁶, IGN³⁷ and

36 Agence de l'environnement et de la maîtrise de l'énergie / Environment and Energy Management Agency.

37 Institut géographique national / National Geographical Institute.

FCBA³⁸ and made available to DRAAF³⁹ by DGPE⁴⁰, was not precise enough.

The available resources cannot be conveyed without additional studies looking into harvesting targets, all the more so for each mountain range, in the context of an uncertain market. Above all, regional partners in Bourgogne-Franche-Comté as well as Brittany, have given up on setting targets for harvesting small wood in order to protect the renewal of post-harvest forest soil, which is consistent with the opinions issued by AE.

While the PNFB expected that the PRFB would relate the forest documents to state, communal and private forests, the Ae recommended the introduction of provisions that were barely touched upon in the PRFB projects reviewed. The response to the Ae's opinion indicated a willingness to amend the PRFB to this effect, particularly with regard to the silvicultural recommendations and especially those relating to the regeneration of stands.

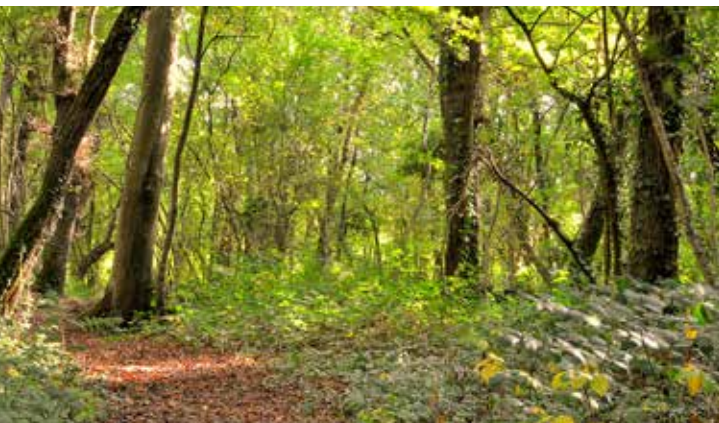
38 Institut technologique forêt cellulose bois-construction ameublement / Technological Institute for forestry, cellulose, wood construction and furniture.

39 Direction régionale de l'alimentation, de l'agriculture et de la forêt / Regional Department for Food, Agriculture and the Forest.

40 Direction générale de la performance économique et environnementale des entreprises du ministère de l'Agriculture / Directorate-General for the Economic and Environmental Performance of Enterprises of the Ministry of Agriculture.

Regional Development Schemes (SAR)

As the first modification of a scheme of this type, the draft amendment to the SAR of Réunion was the subject of an Ae opinion at the request of the Réunion regional authority. Five projects or types of projects that could not be implemented under the current SAR were the basis for the proposed amendment. The amendment to the SAR was adjusted and finalised in light of the environmental impacts of the projects involved, excluding the projects with the biggest effects on the environment and potential effects on the general balance of the SAR. In particular, the Ae noted that the procedure adopted by the Réunion region actually limited the amendment and limited its effects, and that this approach provided insights and was clearly part of the potential future revision process of this scheme.



Regional and national parks

In 2018, the Ae had to issue an opinion on the draft charter for the forest national park of Champagne and Burgundy. This project was set against a complex backdrop characterised by difficulties in reconciling the expectations of actors amongst themselves, and in coherence with the purpose of a national park. The territory is historically inhabited and its natural resources form the backbone of its economy (e.g. forest production, hunting, quarries). In some cases, the characteristics of these natural spaces are inherited from these activities and, while the draft charter demonstrates an ambition to preserve the natural environments, particularly those of a remarkable nature, it also aims to continue and develop these activities in all areas of the national park. In the absence of a clear reference situation in terms of activities and regulations, particularly environmental ones, for the territories in question, the case file provided to the Ae did not show the environmental added value brought by the national park, particularly in core areas (including in the wilderness reserve, the functionality of which has yet to be demonstrated), all the more so because the environmental criteria used to justify the area representing the heart of the park and its ecological coherence were not clear.

Natural Risk Prevention Plans

The Ae issued several opinions on the environmental assessments of Risk Prevention Plans for the first time in 2018. Two opinions concerned the revision of coastal risk prevention plans for the Charente estuary, and the most recent one related to the development of a land movement risk prevention plan.

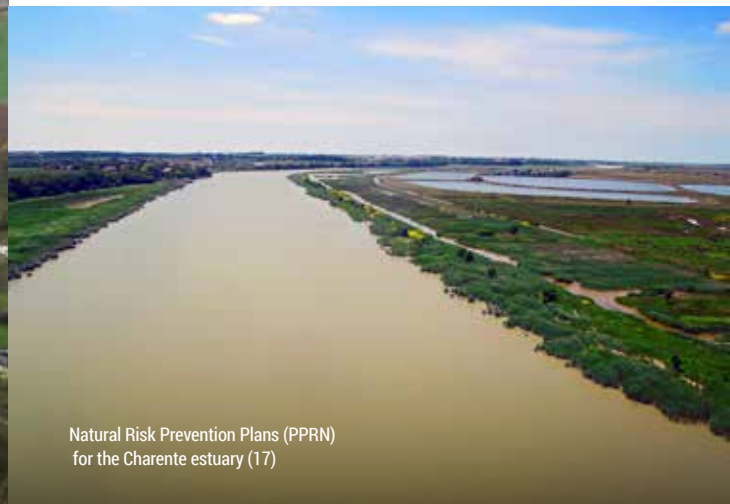
Although the Ae's consideration of these files is specific to the procedure followed (development or revision) and the risk being examined, these opinions helped to identify the main points of the doctrine that relate to the development of risk prevention plans.

It was therefore able to note the importance of establishing a clear "baseline scenario"⁴¹, generally consisting of the extension of the risk prevention policy in force in the municipality or municipalities, and analysing the impacts of a draft plan in relation to this scenario. This is the only reasoning that is able to highlight the actual effects on the plan's environment, beyond the simple observation of its contribution to reducing risks.

⁴¹ Overview of the likely evolution of the environment in the absence of project implementation.



Creation of a land movement natural risk prevention plan (PPRNmvt) for Perrier (63)



Natural Risk Prevention Plans (PPRN) for the Charente estuary (17)

It also emphasised the vital importance of analysing the variants and choices of the approach adopted: even if the definition of the risk and the issues are the result of factual data, without any real room for manoeuvre for the contracting authority, it is the choices made in the zoning regulation and the risk prevention plan regulations that will determine the actual impacts, whether positive or negative, of the plan to be approved and satisfaction with regard to the intended level of protection.

Lastly, it found that the documents submitted for opinion did not adequately address the issue of the effects on urbanisation brought about by the plan, which can constitute the main indirect impacts of the risk prevention plans, particularly when they do not foresee any works. Only an assessment of the overall impact of a chosen level of protection, taking full account of the work planned in the Action Programmes for Flood Prevention (PAPI), would enable a coherent approach to be taken for avoiding and reducing all direct and indirect impacts.

Multi-annual energy plans

The Multi-Annual Energy Plan (PPE) of Wallis and Futuna was the last of the first generation of multi-annual energy plans to be reviewed by the AE.

It confirmed the difficulties in implementing the provisions of the Energy Transition for Green Growth Act⁴², which provides for the energy self-sufficiency of non-interconnected territories, which are currently very dependent on imported fossil energy. It also confirmed what had been observed for the mainland multi-annual energy plans, and those of other non-interconnected territories, namely the weakness of the transport-mobility component, which was marred by incomplete analyses.

The Ae had already observed that previous multi-annual energy plans were skewed in favour of the electricity sector. In terms of levers for action, this relates to the Ae's

recommendation for the mainland multi-annual energy plan "to provide an overview of the prospects, or sticking points, on the subject of transferring taxation to energy, from non-environmental taxation". This assumes that the tax guidelines are examined on the basis of the needs and abilities of taxpayers, and not only on the basis of the production chains.

As with the nitrate action plans, the Ae stressed that the environmental assessment of this type of plan has to provide an analysis of the effects of the various factors on which the policy considered may affect the expected environmental results. The Ae found that the environmental assessment was able to evaluate the positive environmental impacts that would occur if the objectives were met, but not the ability to achieve those objectives. There was a lack of an approach combining the examination of levers for action, their ability to set objectives as part of a trajectory and the use of monitoring to put things right in the event of a deviation.



The île d'Yeu (85)

⁴² Law n°2015-992 of 17 August 2015 "relating to the energy transition for green growth" (LTECV).

The 2018-2023 Atmospheric Protection Plan (PPA2) for the Arve valley

The Arve valley, an alpine valley, combines the phenomena of temperature inversion, the presence of international transport infrastructure, the industries and the common use of wood heating, which means that it regularly suffers from high levels of atmospheric pollution to such an extent that, like large conurbations, it is subject to European proceedings due to exceeding the regulatory limits of PM10 and NO2 and due to implementing inadequate actions in relation to the requirements of the 2008/50/EC directive.

The main concern of an Atmospheric Protection Plan is the restoration of air quality that does not cause damage to health, through the strict control of atmospheric pollutant emissions and public exposure to air pollution. The first Atmospheric Protection Plan (2012-2016) did not achieve this target, despite a downward trend in pollutant emissions. In its opinion, the Ae judged that the 52 actions of the PPA2 should be more ambitious and recommended that a better justification should be given as to why more ambitious objectives, such as those recommended by the World Health Organization and advocated by the European Court of Auditors, were not adopted, even though they would likely help to achieve a greater gain in life expectancy for the area's inhabitants. In particular, the opinion issued

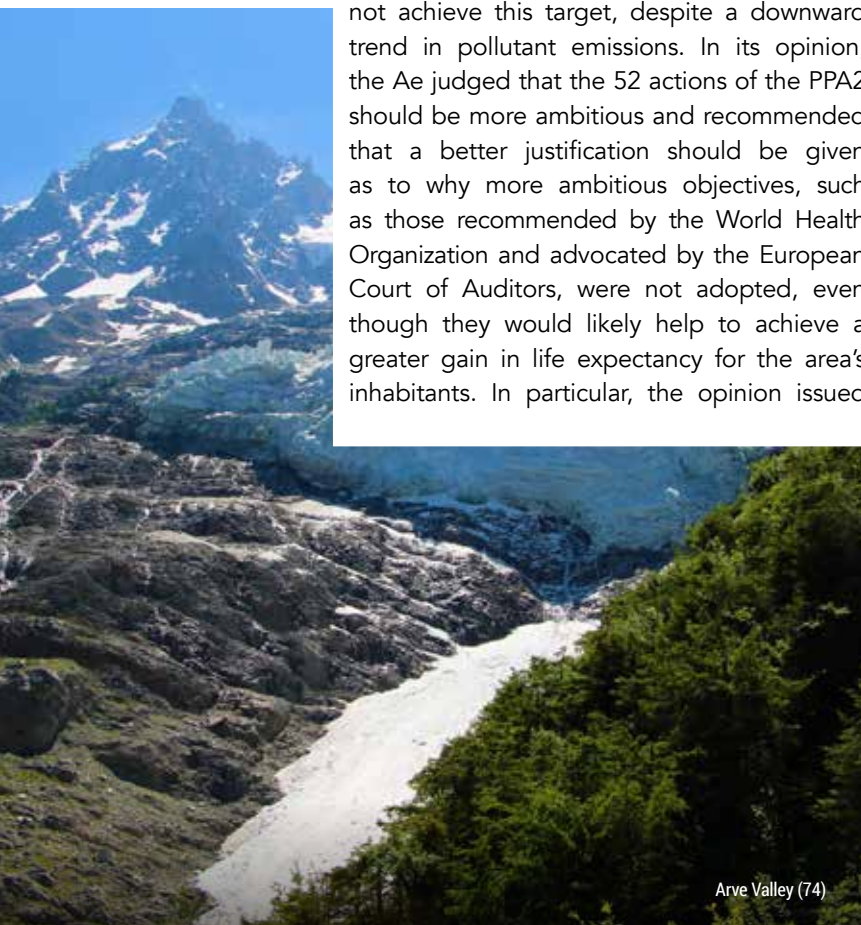
suggests developing several practical measures clearly identified by the PPA2 in favour of the modal shift to rail transport, for passengers and goods, particularly when it comes to crossing the Alps, as well as increased mobilisation to limit heating using open fires and the establishment of a low emission zone.

Conclusion

In conclusion, the Ae draws the planners' attention to the relevance and usefulness of having plans with environmental improvement as one of their objectives subjected to an environmental assessment. It should be used as a tool for assessing the plan's performance, used a priori to ensure the plan's suitability for addressing the environmental issues of the territory and achieving its objectives, and used retrospectively to monitor its implementation and determine additional measures in case the results are not achieved.

The strategic environmental assessment of a "sustainable development" plan or programme should not be limited to checking that there is no impact, provided that the avoidance, reduction and compensation measures concerning it are dimensioned. It must also be possible to use it as a reference for the environmental assessment of projects and other plans for which environmental protection is not a priority objective. As such, even if it goes beyond the Ae's remit, extending the strategic environmental assessment to other issues that are not strictly related to the environment, such as those based on the sustainable development goals framework⁴³, would be welcomed.

⁴³ See the UN website on the sustainable development goals.
<https://www.un.org/sustainabledevelopment/fr/objectifs-de-developpement-durable/>



Arve Valley (74)

Sraddet preliminary framing

Law n° 2015-991 of 7 August 2015 on the new territorial organisation of the French Republic (NOTre law), provides regions with a planning document for prescribing and integrating the main sectoral public policies: the Regional Model for Organisation, Sustainable Development and Inter-Regional Equality (Sraddet). Developed by the regional council, the Sraddet must be approved by the prefect of the region by the end of July 2019. Three regional councils wished to consult the AE, as provided for in article R. 122-19 of the French Environmental Code, on the "extent and degree of precision of the information to be provided in the environmental report".

The Ae thus deliberated on three opinions⁴⁴ in response to the questions, often common to three Sraddets, but in specific contexts. It is an original exercise: while no public authority had

an a priori jurisdiction over this new subject, these opinions were prepared in parallel with the State's drafting of rules determining the regulatory process and contents of the Sraddet. Subject to an environmental assessment⁴⁵, it is then up to the AE⁴⁶ to issue an opinion on the environmental impact report, but also on the draft model's consideration of the environment. In its three opinions, the Ae has endeavoured to provide regional councils with useful and practical information for their environmental assessment approach, the content of the environmental report, and the proper consideration of environmental issues by ensuring that a proportionate approach is adopted, without prejudice to the responses given by the State, by regulations or to knowledge.

An integrating model

Based on the observation that the Sraddet resulted in particular from the fusion of several pre-existing sectoral models⁴⁷, the Ae noted the highly strategic, forward-looking and integrating nature of the various public policies covered by this model. As Sraddet also has a strong environmental aspect, it also noted the role of this model in interpreting and implementing the objectives of all of France's

44 Opinion n°2018-42 of 11 July 2018 for the Grand Est region, n°2018-52 of 12 September 2018 for the Centre-Val de Loire region and n°2018-86 of 5 December 2018 for the Auvergne-Rhône-Alpes region.

45 Section 38° of article R. 122-17 of the Environmental Code.

46 Article R. 122-21 IV of the French Environmental Code.

47 Regional Model for Organisation, Sustainable Development and Inter-Regional Equality (Sraddet), regional schemes related to transport and intermodality, Regional Air, Energy and Climate Scheme (SRCAE), Regional Waste Prevention and Management Plan, Regional ecological coherence scheme (SRCE).



commitments and national guidelines on environmental and sustainable development⁴⁸. In some cases, it has been able to note the quality of the multidisciplinary and cross-sectoral work of teams responsible for its development. However, it has sometimes considered it appropriate to stress the importance of going beyond the juxtaposition of sectoral regional schemes, by offering a number of tools: identification of subjects at the interface of several topics, the construction of several scenarios to achieve the desired objectives, including “transversal scenarios”, medium and long-term projections, etc. It also noted the value of an iterative approach, as the environmental assessment could lead to the identification of risks of inconsistency between a Sradet environmental guideline and another one of its guidelines, thus justifying the determining of appropriate avoidance or reduction measures.

Another difficulty common to the three models submitted to the Ae concerns the taking into account of specific national guidelines and projects. In its most recent opinion, the Ae noted in particular that the definition of “essential components” cited in article L. 4251-1 of the French Local and Regional Authority Code had not yet been clarified, meaning there was a lack of certainty as to whether they would be taken into account in the models as the deadline set by the law approached. In any case, the State forwarded a list to the regional councils of the major projects to be taken into account⁴⁹, which seems possible either through alternative scenarios, depending on whether they are realised or not, or through differentiated phases.

48 In particular, the sustainable development goals. See <https://www.agenda-2030.fr/odd/17-objectifs-de-developpement-durable-10>

49 With a welcome update in Auvergne-Rhône-Alpes to take into account the proposals of the infrastructure steering committee (February 2018), guiding the programming of the law governing mobility currently under consideration in Parliament.

A prescriptive model

The Ae has also recommended that the objectives and rules should be defined in sufficiently precise terms, given that their wording is decisive, in order for them to be applicable to other plans or programmes, particularly in urban planning documents. It also recommended that the methods for implementing them should be clarified in order to promote the operational effectiveness of their variation.

Several questions relate to whether there is a need to quantify certain objectives or rules, particularly in terms of land consumption and greenhouse gas emissions. Without being explicitly required by the current regulations for all of the topics covered by the Sradet, the Ae has noted, for somewhat crucial issues, that the absence of any quantitative component would render the stated objectives meaningless and would make them difficult for the public to understand, ineffective, difficult to assess and then difficult to monitor. It also noted that, in line with the national low-carbon strategy, as with the regional climate-air-energy models, the Sradet should set out quantified and, if possible, segmented objectives in order to assign responsibility to various actors for implementing and monitoring them, with specified deadlines.

The selection of a scenario respecting the principle of environmental non-regression

Two opinions have developed the question of the “baseline scenario” for this type of model, since the specific impacts of Sradet can only be analysed in relation to this scenario. The Ae thus clarified that the approved sectoral models are part of the baseline scenario, for which a formalised review of the planned actions appears to be necessary. It also clarified

that one of the points of comparing the various baseline scenarios envisaged is to be able to demonstrate that, with regard to the principle of environmental non-regression, the variation adopted does not give rise to impacts that are more unfavourable than those of the baseline scenario.

A proportionate approach to the issues

The Ae has consistently supported the importance of a proportionate approach to the specific issues of each region. It has therefore applied this principle of proportionality to all of the issues concerning the degree of precision of the initial status analysis (“to be adapted to the strategy to be adopted and the precision of the objectives, rules and measures envisaged”) and the analysis of issues at various levels: regional, sub-regional (some Sraddeets define functional units), or even supra-regional, as is the case for issues concerning the catchment basins of major rivers or even coastlines. In particular, given the size of the regions, it is not possible to define all the environmental issues at the regional level; it appears that territories need to be targeted in order to be able to prioritise issues.

For natural environments and Natura 2000 sites, the opinions advocate both a broad approach to the network of sites and a more targeted approach for the most sensitive species, representing the most critical issues.

Sraddeet measures, rules, objectives and avoidance, reduction or compensation measures

One of the requests called for clarification of the relationship between the terms of Sraddeet and those of its environmental assessment. Adopting the definitions of the French Local and Regional Authority Code, the Ae endeavoured to note the scope of the Sraddeet

objectives, rules and maps. Its environmental assessment is global: it should make it possible to demonstrate the alignment between the environmental issues, the stated ambitions and objectives, the actions taken and tools implemented to achieve them and also to identify, anticipate and avoid the possible negative impacts on the environment and on health. It must be possible to apply the environmental measures, in a targeted way if necessary, to the territories or projects most affected: “the assessment should therefore make it possible to describe the identified options or major avoidance solutions as unacceptable, thus providing a framework for impact assessments on local plans and programmes and projects in order to analyse the finer spatial scale variants”.

A monitoring system and indicators representative of regional priorities

The monitoring system is designed to be a tool for continuously assessing the model. The Ae even considers that this system should be the frame of reference for public policies in the region and a guidance tool for implementing Sraddeet. Selecting indicators is strategic: they must be able to be recorded over long periods of time, with an initial value and a target value, which can constitute a reliable basis of monitoring; they must include objectives with various deadlines and remedial measures in case of deviation from the objectives set.

A model that the public can understand

The Ae has repeatedly addressed the form of the document (length, quality of maps and illustrations, etc.) in order to allow the public to get to grips with this complex subject as much as possible, as well as the consultation procedures accompanying its development.

Offshore wind turbines

In its 2015 annual report, the Ae had the opportunity to address the issue of offshore wind turbines, based on the three opinions that it had deliberated over that year⁵⁰. Five other opinions were deliberated in 2018. These opinions concerned two of the installed wind farms - one of them is located off the Île d'Yeu and Noirmoutier⁵¹ (85) and the other one is at Dieppe – Le Tréport⁵² (76). Three others relate to the experimental floating wind farms in Provence Grand Large south of Port-Saint-Louis-du-Rhône⁵³ (13), Groix and Belle-Île⁵⁴ (56) and the Gulf of Lion⁵⁵ (11).

Today, the construction of six installed farms has been decided upon, with a power of approximately 500 MW each. The Ae has published opinions on each of these farms. Their main features are listed below:



Noirmoutier (85)

FARM	Number of wind turbines	Unitary power	Height of tower	Total height	Maximum depth	Maritime Connection length
Courseulles-sur-mer ⁵⁶	75	6 MW	101 m	176 m	30 m	15 km
Dieppe Le Tréport	62	8 MW	130 m	211 m	24 m	27 km
Fécamp ⁵⁷	83	6 MW	110 m	184 m	30 m	17.5 km
Saint-Brieuc ⁵⁸	62	8 MW	135 m	216 m	35 m	33 km
Saint-Nazaire ⁵⁹	80	6 MW	110 m	184 m	23.6 m	33 km
Yeu and Noirmoutier	62	8 MW	121 m	202 m	35 m	27 km

⁵⁰ A fourth opinion was deliberated in 2016. All were related to the installed wind farms.

⁵¹ Ae opinion of 21 February 2018.

⁵² Ae opinion of 29 August 2018.

⁵³ Ae opinion of 16 May 2018.

⁵⁴ Ae opinion of 30 May 2018.

⁵⁵ Ae opinion of 19 December 2018.

⁵⁶ Ae opinion of 25 March 2015.

⁵⁷ Ae opinion of 24 June 2015.

⁵⁸ Ae opinion of 4 May 2016. The features mentioned in the table relate to the project initially seen by the Ae in 2016. Since then, it has received a request for a case-by-case review and has issued a decision on a proposed modification of the turbines used.

⁵⁹ Ae opinion of 6 May 2015.

Floating wind farms mean that the limitations of shallow depths can be avoided and enable the potential establishment of wind turbines further offshore. The technologies are less advanced, which initially justifies the carrying out of four experimental projects with a power of 24 MW, with each of them remaining relatively near the coast. In addition to the three farms mentioned above, the most recent project, which the Ae is due to give an opinion on in January 2019, is located off the coast of Gruissan (11)⁶⁰.



The main features of the three floating wind farms that the Ae issued an opinion on are as follows:

FARM	Number of wind turbines	Unitary power	Height of tower	Total height	Maximum depth	Maritime Connection length
Groix and Belle-Île	4	6 MW	100 m	180 m	67 m	28.5 km
Provence Grand Large	3	8 MW	105 m	180 m	100 m	28 km
Gulf of Lion	4	6 MW	98 m	174 m	70 m	18 km

The construction of these offshore wind farms is part of the Multi-Annual Energy Plan (PPE). The suggested Multi-Annual Energy Plan for the 2019-2023 period retains a power of 2.4 GW for the offshore wind turbines by 2023, with a capacity of between 4.7 and 5.2 GW by 2028. The six installed wind farms represent a capacity of nearly 3 GW.

Meanwhile, an additional wind farm, located off the coast of Dunkirk, has been subject to a call for tender while another call for tender will be launched shortly for a wind farm off the coast of Île d'Oléron.

The main environmental issues

The main environmental issues raised by the Ae in the opinions that it deliberated in 2018 relate, apart from the production of renewable energy, to the following:

- natural environments, marine habitats, marine flora and fauna, avifauna, or even chiroptera;
- landscapes;
- the risks associated with structural damage in the event of a collision with ships or a violent storm.

⁶⁰ The Ae's opinion was issued in January 2019.

The impacts on marine environments vary depending on the technological solutions adopted and the sites selected for installation. The Dieppe wind farm was installed using pile driving which, taking into account the most unfavourable periods for marine mammals, results in prolonged exposure to noise which is likely to have a significant impact on marine wildlife. From this point of view, the drilling solution used in Noirmoutier has a lower acoustic impact, but it releases more suspended matter, which has an impact on other species. For floating wind farms, the solutions chosen for anchoring the wind turbines and the connection to land impact the benthos to a certain extent depending on the anchoring techniques (conventional anchors or suction caissons), trenching techniques (ploughing, cutting or jetting⁶¹) and the type of cable chosen.

Two types of technology are used to protect the installations from corrosion: sacrificial anodes, which lead to the release of potentially toxic metals in dissolved and particulate form into the environment, the associated effects of which on the food chain have not yet been fully understood, and the impressed current system, an alternative that generates low concentrations of soluble and non-bioaccumulative chlorinated and brominated compounds. Despite this environmental advantage, the latter was only adopted for one proposed floating wind farm and two installed projects, as this solution is more demanding in terms of maintenance.

The technologies used to bury or implant the marine cables underground are well-known. The key issue is the avoidance of fragile environments present between the wind turbines and the landing point. Where rocky substrates could not be avoided by the connection route, the impact on the marine flora can be significant, requiring suitable compensation, or, as an easier option, the readjustment of the route approved during the consultation.

The effect of wind turbines on marine avifauna and chiroptera is a key issue but knowledge about it is very patchy at this stage⁶². The risk of collision, the barrier effect of wind farms in relation to migration routes, as well as marker lights were identified as points requiring attention. The impact analysis is conducted on a species-by-species basis since they don't all behave the same way. It is based in particular on the behaviour observed in Northern European wind farms. A classic avoidance measure for limiting collisions involves maintaining sufficient air draught between the sea level and the blades. However, some species fly higher than 30 metres. The Ae recommended monitoring collisions and adapting the operation in the event that the mortality rate observed is too high.

The impact of wind turbines on marine wildlife is also very poorly understood. Bans on fishing within some wind farms are favourable to fish development, but may encourage the presence of predators or the spread of invasive alien species. The long-term consequences of acoustic impacts, particularly those linked to constructing the wind farms, on fauna, and particularly on marine wildlife, are not very well-documented, which has led the Ae to examine the prolonged exposure of less mobile species that are dependent on certain habitats.

The impact on landscapes is one of the most controversial issues. The contracting authorities provide photomontages to make it easier to appreciate the impact. They stress that the

62 Even if the most recent case files demonstrate that contracting authorities are truly willing to capitalise on the knowledge of these topics, based on both the existing bibliography and the most recent feedback. See in particular the very comprehensive specifications for the Dieppe – Le Tréport project.

61 Projection of jets of water under high pressure to create a trench.

regular spacing of the wind turbines results in “a more uniform view”.

The connection substation can also have a significant impact on the landscape in the case of large new wind farms, or those requiring existing substations to be extended.

The risks of damage or collision with boats are subject to few developments. The case files describe the marker lighting put in place for maritime navigation and aviation safety, including the use of lights that are likely to attract birds and chiroptera. The case files include feedback from other wind farms in Northern Europe regarding accidents, mostly during the construction phase or during maintenance operations. The installations are dimensioned for an “exceptionally violent once-in-a-lifetime storm” type of event, without any indication of the consequences of an even more intense event, whose probability of occurring during the lifetime of the windfarms is far from negligible (33%).

Advancing knowledge

The 2015 Ae activity report already stressed that it was necessary “to draw on these first projects in order to gain the knowledge needed to prepare impact assessments for future projects and to strategically assess the development policy of offshore wind farms”. The Ae goes further in 2018, making the recommendation, in relation to the experimental wind farms, to “urgently develop a research programme to supplement knowledge and provide a solid basis for impact assessments on operational wind farms and place this programme under the responsibility of the State and an independent scientific council”.

It also insists that avifauna be monitored, recommending that camera monitoring be strengthened and extended and that the observation of migratory bird activities be included. It also recommends the specific monitoring of sediment and food chain pollution caused by metals released by sacrificial anodes. Finally, whether for experimental wind farms or other wind farms, the cumulative impact analysis is still based solely on some pieces of feedback from other countries. The first years of operation should also aim to ensure that they are better assessed on the French coast.



The difficulties related to the predetermined location of a project

The choice of location for installing the wind turbines is generally the result of studies commissioned by the State prior to the tender procedures. The sites selected are the subject of a large number of consultations with users, marine professionals, environmental protection actors and Government services. Contracting authorities are bound by the conditions set out in the calls for tender and do not revert to the multi-criteria analyses that governed the choice of sites. The Ae therefore recommended that the State present the tender specifications, the criteria for evaluating tenders and the reasons why, in view of the effects on the environment and public health, these sites have been selected.

The need for this analysis of issues is particularly obvious in the case of the Dieppe – Le Tréport wind farm, where one third of its surface overlaps with the perimeter of a marine nature reserve that was created at the same time. The Ae has also been asked to issue an opinion at the beginning of 2019 on the draft strategic coastline document, one of the objectives of which is to propose a hierarchy of uses for marine spaces, taking into account their environmental sensitivity and the risks of conflict with regard to use.

An amendment to the legislation regarding wind farm authorisations in 2018

Article 58 of law n° 2018-727⁶³ for a trusted society (ESSOC), published on 10 August 2018, introduces two new provisions amending the authorisation process for marine wind farms, applicable to projects that are submitted by petitioners six months after the law's date of publication. If the minister responsible for energy wishes to organise a competitive tendering procedure for the construction and operation of an offshore wind farm, they must first refer the matter to the National Commission for Public Debate (Commission nationale du débat public), who will determine the conditions for public participation in the decision-making process. "In particular, the public is consulted on the choice of location of the potential area or areas for installing the planned structure", states the law. Once the winner has been selected, there is no further public discussion.

For administrative authorisations and the related impact assessments, in addition to providing for part of the impact assessment to be carried out by the State, the law introduces "design envelopes" stipulating "authorisations [...] shall, where appropriate, establish variable characteristics for these installation projects within the limits of which these projects are authorised to develop after the authorisation has been granted". This includes concessions of use in the maritime domain, environmental authorisation and the authorisation to operate. The Ae's opinions take this new legal framework into account, particularly in line with the strategic coastline documents currently being drafted.

63 See <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000037307624&categorieLien=id>

Major urban projects

In 2018 the Ae deliberated opinions on various urban development projects (the Olympic Village Joint Development Zone (ZAC) (93), Pleyel urban project (93), Toulouse EuroSudOuest (31)) which all had the shared feature of rebuilding the city within the city, through the renewal of industries undergoing changes or the restoration of railway and industrial wastelands, in areas of urban reconstruction or at the crossroads of major transport projects.

It also deliberated opinions on transport connection projects closely linked to major urban projects: connections to Bordeaux airport (33) and the Corbeville interchange on RN 118 (91) which is part of the “campus plan” operation in Palaiseau. And, finally, it deliberated an opinion on the Territorial Cohesion Plan (SCoT) of Montpellier.

The “avoid, reduce, compensate” (ERC) approach may not be fully applied to these planning documents, as evidenced by the analysis of the derogation provided for by the Territorial Cohesion Plan (SCoT) of Montpellier (for transport infrastructure projects). Their scope is not analysed in the environmental assessment of the plan, instead it is covered by the environmental assessments for each of the projects that would fall under these derogations, in particular to the detriment of a regional level analysis of the effects and the measures to be implemented, and at the risk of revealing contradictions with the key guidelines of SCoT.

In addition, these reference documents may not be approved or even finalised at the requested authorisations stage, which limits the scope.

The approach adopted

Urban development operations are generally included in the urban planning policies that are considered at urban or regional level and, depending on the case, the case files refer to partnership, consultative or decision-making bodies, urban “guide plans” and studies, as well as the development of territorial projects in connection with larger-scale plans, the territorial development contract (CDT), regional master plan of Île-de-France (SDRIF), operational master plan for metropolitan travel, Territorial Cohesion Plan (SCoT), etc.

The impact assessment is often limited to referring to this general context and the Ae's opinions demonstrate that the approach adopted is not sufficiently justified, particularly with regard to the environmental effects of the variations at regional level.



Outline of the projects. Specific questions regarding the links and relationships between transport infrastructure and development projects

Some infrastructure case files fail to take sufficient account of urbanisation, which limits the scope of the impact analysis. This assessment and that of planning documents which are not prescriptive enough point to the need to identify a relevant overall scope for the project, in order to be able to understand, at the appropriate level, all of the effects of the functionally linked operations that are likely to interact with the environment.

Apprehensiveness with regard to an urban development operation and the creation or modification of the transport infrastructure serving it as a single overall project is an issue that is systematically raised. The Ae notes the effectiveness of an "overall approach", from the moment it is involved, when operations or projects are conceived. This enables both a process of coordination with the contracting authorities and an early environmental evaluation, which takes spatial and temporal interfaces fully into account.

This type of approach can be difficult to implement when there are several projects overlapping within a territory, all the more so when there are significantly different timescales. The scope of the projects and their impact assessments complement each other in some cases, and overlap in others, all while falling within the scope of the environmental assessment of the programme plan, which links them to one another. Overall scopes can make sense when the projects that constitute them have already been the subject of separate impact assessments.

It is then up to one of those later operations, often an infrastructure one, to ultimately develop the overall approach *required* on this new scale, according to the issues involved.

When an overall approach proves to be too complex to implement, the focus should be on the choice of an "as and when" scenario or "baseline scenario", the analysis of the cumulative effects of the other projects identified, which should be considered in relation to the territory in which they are located, and on the overall governance of the projects involved. With this pragmatic approach, the interactions between the stations of the Grand Paris Express lines and the urban projects they inspired are initially considered (railway line project) as being part of urbanisation, and, in the next stage (urban project) as part of the coordination of the works. In all cases, careful consideration should be given to the assessment areas and the territorial development hypotheses taken into account in the environmental assessment in order to ensure that they are consistent.



Motorway link between Machilly and Thonon-les-Bains (74)



Making the RN 164 into a 2x2 lane road in the Mûr-de-Bretagne area (22)

This approach is sometimes complied with, and the Ae has been able to observe that all of the projects identified are taken into account in a relevant way according to the topics, either as cumulative effects or, where relevant, by including them in the "baseline scenario", meaning that the urban project's complex interactions with others in a rapidly developing territory can be fully taken into account. As such, the Corbeville interchange impact assessment takes an "as and when" scenario into account for the traffic analysis, without any creation of a Joint Development Zone (ZAC), even though two of them have already been created (the initial form of the impact assessment doesn't take the first programmes into account), which means it is possible to analyse the impacts of the "overall project", which is actually the campus plan.

In particular, flow analyses may not be sufficient to enable the development prospects of the intermodality proposal and its impacts on the level of induced travel to be assessed on an adequate scale. It is vital to use the same assessment area and the same territorial development hypotheses for all of the topics where the analysis is based on traffic and flow assessments (noise, air quality, greenhouse gas emissions).

More generally, the Ae notes that contracting authorities have the opportunity to request an initial impact assessment for their project, particularly when complex issues arise in terms of the project's scope and the analysis of overall impacts.

Updating the impact assessment

The environmental assessments for major urban development projects are intended to be updated, potentially several times, in light of the different operations they comprise and their implementation schedules. The Ae made reference to this in its opinions, and made targeted recommendations for short-term needs, while drawing the contracting authority's attention to more detailed examinations that need to be undertaken in the long term. It has regularly recommended outlining, from the first iteration of the impact assessment, a clear provisional schedule for the various administrative procedures related to urban development, and identifying the steps that could require the impact assessment to be updated.





A consideration of certain urban features, particularly urban renewal, that is still very diverse

Some issues, dealt with in different ways, may go so far as to question the feasibility of the project itself, with the operational details having been provided at the implementation stage in all cases.

BIODIVERSITY IN CITIES AND URBAN HEAT ISLANDS

Urban renewal projects tend to focus on areas with relatively low risks in terms of biodiversity and on sites that are already very artificial. The Ae observes that, for the most part, they include a “replanting” component which can take various forms, some of which are experimental (making spaces greener, urban parks), with the aim of restoring living environments that are often in a deteriorated state.

Recent case files have dealt appropriately with the issue of reducing urban heat islands, with the stated intentions of bioclimatic architecture and work on urban composition (spacing buildings in a way that avoids the acceleration of winds and ensures that they are dispersed, penetration of sunlight, work on growing plants and street furniture, etc.). Regarding decisions to create a ZAC or declarations of public utility (déclaration d’utilité publique - DUP), the Ae was able to point out that the project’s ability to achieve the stated objectives had yet to be demonstrated, particularly due to the lack of operational application, and it therefore recommended that this ambition be confirmed by way of specific commitments.

RENEWABLE ENERGY AND GREENHOUSE GAS: VARYING AMBITIONS

Once again, the case files include commitments to limit energy consumption and increase the proportion of renewable energy. There are some that identify the energy potential and the existing energy resources at local level in a very comprehensive way.

However, the objectives in terms of the level of coverage of their needs by renewable energies vary considerably from one project to another, ranging from 30%, which falls short of the targets set by the Multi-Annual Energy Plan (PPE), to projects that are aiming for “positive energy” neighbourhoods.

Consequently, the Ae recommended that the choice of coverage level by renewable energies for the project’s consumption should be justified and, if necessary, reconsidered in light of the objectives of the Multi-Annual Energy Plan. One of the projects did not provide any figures for the energy performance target.



The implementation of these commitments, as in the case of the heat islands, is largely dependent on their operational application. It must be noted that the robustness of these commitments is not always demonstrated: the absence of a concrete indication regarding the preferred solutions for energy supply, discrepancies between the commitments made at the overall project level and their consideration in the case files of the operations that they are part of. The need for heightened vigilance could have been emphasised in order to ensure that the principles and commitments in the field of energy are consistent between the impact assessment of the overall project and the building permit files for the various project plans.

The Ae notes the importance of approaches to planning when they are focused on adapting to climate change and limiting energy consumption and greenhouse gas emissions in the areas of transport and housing.

Commitments regarding greenhouse gas emissions are still insufficient, particularly for emissions related to the construction of buildings and infrastructure.

COORDINATING THE WORKS

Because of the number and concurrence (even partial) of the operations involved and their urban location, the overall projects develop and detail the measures that will be taken to organise the logistics of the works in order to limit their impact. Examples described include pooling worksite facilities (site facilities/ accommodation, storage areas, parking areas), coordinating itineraries, transport methods and the flow of materials generated by the worksites (excavated materials, backfill and other supplies). Details are also given about the methods of coordinating the various works related to the project (phases, precise schedule, timetables, public information, accessibility, etc.), for all of the contracting authorities and areas combined, as well as the coordination between the project and other projects in progress in the region. Some projects extend these measures to other concurrent operations (at spatial and/or temporal level) that are not included in the overall project.

However, the Ae observed that the implementation of the “avoid, reduce, compensate” (ERC) measures in the construction phase and their effectiveness could be questionable, due to a lack of clarity with regard to the scope or responsibilities of the project, or in the operation and resources allocated to coordinating the construction works in some cases, and the lack of consideration in the case of others.

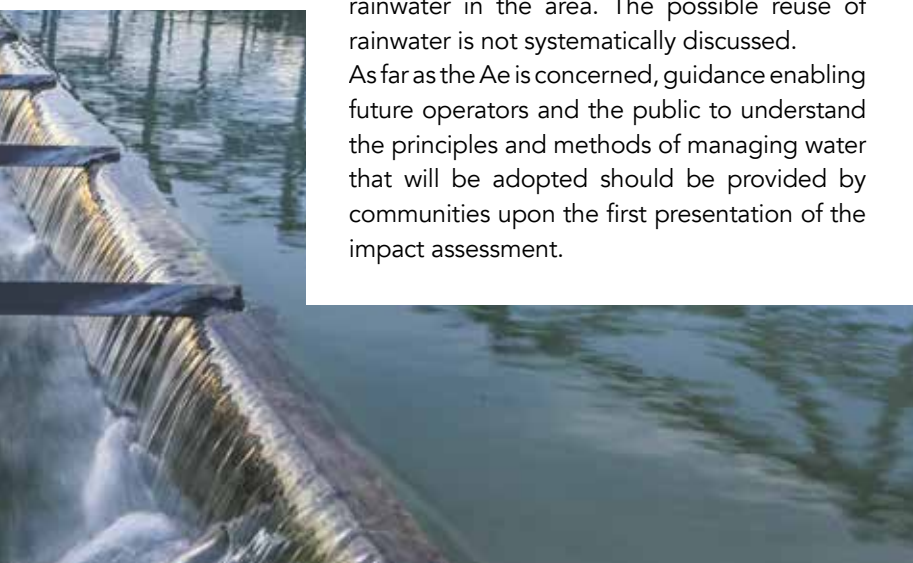
RAINWATER AND WASTEWATER MANAGEMENT

This area is still being addressed in an unequal manner. Overall, the projects demonstrate an approach to improving sanitation, through a new separation management system for rainwater, for example. However, without ignoring the fact that these questions will be examined in greater detail in a subsequent procedure, certain points, which are essential from the design stage of the overall projects, and which are practically part of the project's feasibility analysis (capacity of the sanitation systems, estimation of the water needs compared with the capacities of the installations that the project intends to connect to) don't seem to be adequately understood. There are also insufficiently ambitious targets for reducing the waterproof nature of public spaces through modifying ground cover (creating urban parks, and particularly roof gardens) or retaining rainwater in the area. The possible reuse of rainwater is not systematically discussed.

As far as the Ae is concerned, guidance enabling future operators and the public to understand the principles and methods of managing water that will be adopted should be provided by communities upon the first presentation of the impact assessment.

SOIL POLLUTION

Similarly, the identification and characterisation of polluted areas is rarely finalised when the impact assessment is first presented. The way in which their existence is taken into account when designing the project (setting up of establishments for susceptible persons and vegetated surfaces, for example) in order to reduce health risks, as well as the way in which soil pollution will be taken into account in the implementation stage (precautions taken, additional analyses, management plan for the land concerned) have consistently been the subject of the Ae's recommendations. The contracting authority is expected to demonstrate a certain level of requirements appropriate to the soil pollution issue identified, in particular with regard to the most sensitive uses in terms of health risks. Detailed and operational arrangements are expected at the implementation stage of the project.



**AIR QUALITY:
OUT-OF-DATE BENCHMARKS,
AND CONCLUSIONS THAT TAKE
INSUFFICIENT ACCOUNT OF THE
HEALTH ASPECT OF THE SUBJECT, IN
RELATION
TO THE INCREASE IN THE
EXPOSED POPULATION**

The health aspect of the projects is still not adequately taken into account. The Ae noted that, generally, it was the agglomeration or territory that needed to be thought about, rather than the overall project. Therefore, given that the exposed population is increasing, the Ae has urged actors in the territories to hold discussions about improving air quality (and therefore background pollution) with the objective of respecting the values suggested by the World Health Organization (WHO) (notably to reduce cancer risks, especially in establishments for susceptible persons).

The references taken into account fall short of the recommendations from the French agency for food, environmental and occupational health and safety (Anses), even in the vicinity of establishments for susceptible persons, the studies being based on the inter-ministerial circular DGS/SD7B n° 2005-273 of 25 February 2005⁶⁴, and therefore out-of-date and not taking into account the latest scientific knowledge on the subject.

In addition, the deadlines selected are random; the most recent version of the COPERT vehicle pollution assessment software is not always used (although it dates from 2016 and takes into account emissions from real-life situations that are significantly higher than those corresponding to the standardised tests for the regulatory authorisation of a vehicle). The hypotheses used, particularly in terms of

technological progress in engines, should be commented on and even be the subject of sensitivity analyses with regard to the risk of not achieving these improvements.

MONITORING

The Ae has consistently recommended that contracting authorities specify and strengthen the monitoring procedures: thematic supplements, details on the indicators chosen (implementation and results), their analysis methods, the follow-up on findings and information made available to the public. It notes that the monitoring should help to verify the level of effectiveness of the avoidance, reduction and compensation methods implemented and, if necessary, readjust these measures, but more generally it should help to verify the hypotheses of the impact assessment by evaluating the actual evolution of the state of the environment after the works have been carried out. The Ae has consequently been able to recommend extending the thematic scope of the monitoring to include verifying the robustness of the hypotheses used for traffic trends and the environmental consequences on noise and air quality.

The Ae also decided to issue a reminder that the obligation of the conclusion specified in article R. 571-44 of the French Environmental Code applied throughout the life cycle of the planned developments, and that the monitoring of impacts was to be implemented in the long term.

⁶⁴ Circular on taking into account the health effects of air pollution in road infrastructure environmental impact assessments.

Major industrial projects

In 2018 the Ae was consulted for a number of “industrial projects”, which were subject to special technical regulations.

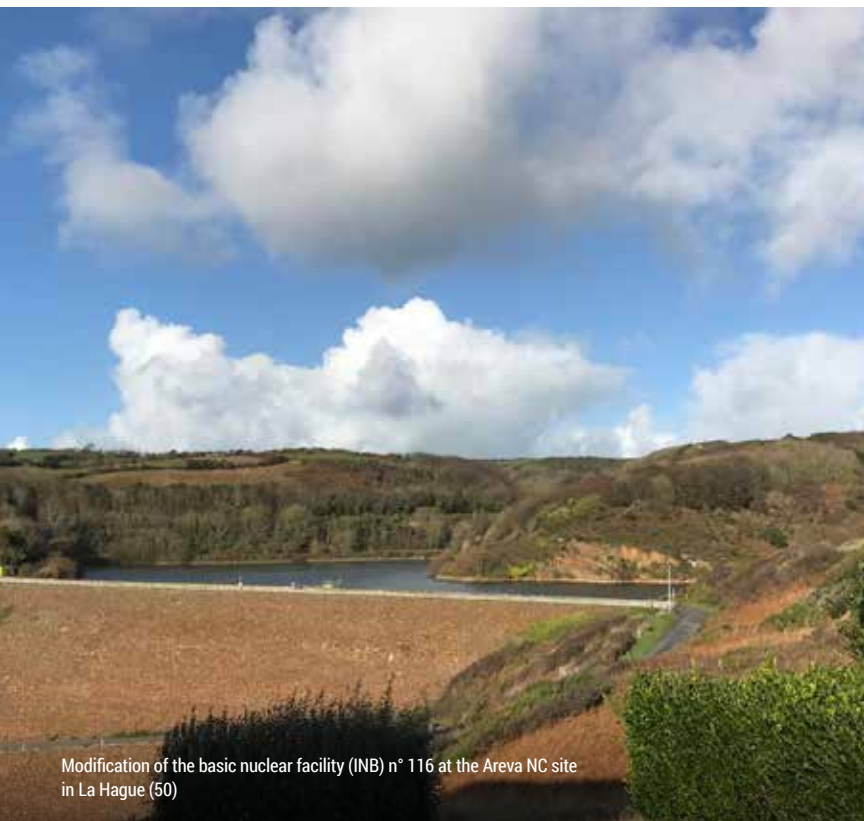
The corresponding referrals are the result of three different approaches:

- those under the control of a public institution supervised by the Minister for an Ecological and Solidary Transition: Technicentre Nord-Pas-de-Calais – Operational unit for passengers in Lille (59), Neximmo 106 logistics warehouse in the commune of Mauguio (34), transfer of railway operations from Nantes-État to Nantes-Blottereau (44), Pont de Normandie n°3 logistics park (PLPN 3) (76). This type of development or installation may also be included in some overall projects (maintenance and storage sites for the Île-de-France metro

lines and transit platform for debris and sediment, for example);

- projects for which at least one of the authorisations needed to carry it out is granted by the Minister for the Environment as part of their responsibilities: the creation of a 225,000/63,000 volt electrical substation in Juvigny and its underground connections to the existing public electricity transmission network (74), Marine Fuel Depot (DEMa) of Toulon – Parc des Arènes and Parc de Missiessy (83), combined-cycle power plant in Ajaccio (2A) – Ricanto site, modification of the basic nuclear facility (INB) n° 116 at the Areva NC site in La Hague (50). The Ae also issued an opinion on the limestone quarry in the commune of Brueil-en-Vexin (78), located in a special quarrying and research area, in which the Minister for the Environment decides on applications for exclusive licences;
- those that follow a decision by the Minister to take on the case file and entrust the Ae with it, for projects that are particularly sensitive: transformation of the household waste treatment centre of Ivry-Paris XIII in Ivry-sur-Seine (94), modernisation of the Total refinery in Donges (44), oil exploration in the Nasua area (973), reconfiguration of the Poutès dam (43). In addition to this, there are also quarry projects aimed at supplying the new coastal road on the island of Réunion (at a place known as “Ravine du Trou” in Saint-Leu and “Bellevue” in Saint-Paul (974)).

These projects, which are all very different in nature, do still have some common features.



Modification of the basic nuclear facility (INB) n° 116 at the Areva NC site in La Hague (50)

Projects' consistency with national and regional policies

Many of these projects are part of planning schemes and exercises. By examining their consistency with these global approaches, it is possible to analyse their objectives and impacts on a scale that goes beyond that of the scope of the project. Quarries must be compatible with a regional quarry scheme; electricity generation facilities are part of a Multi-Annual Energy Plan, just as transport facilities are part of a national network; waste treatment facilities are part of a Regional Waste Prevention and Management Plan (with the exception of radioactive waste, which falls under a national plan).

More generally, because of the scale of these major industrial projects, they raise the question of respect for the aims of various national strategies and laws, such as the national law for energy transition and the national low carbon strategy, the law for the restoration of biodiversity, nature and landscapes and the national strategy for biodiversity, as well as France's international commitments, especially with regard to climate change and greenhouse gas emissions.

In terms of objectives, the combination of their impacts highlights an apparent contradiction, between the public policies of safeguarding employment and industrial activity on the one hand, and the protection of agricultural land, biodiversity, or the reduction of greenhouse gas emissions and the protection of health on the other.

It also sometimes raises the question of reconciling two environmental issues (ecological continuity and renewable energy production).

However, the question is not being raised on a broad enough scale to take full account of all of the issues. The Ae finds that this tends to lead to trade-offs that favour short-term objectives to the detriment on long-term ones. The result is that it is increasingly difficult for France to meet its commitments regarding the climate and biodiversity and, more generally, natural resources.

The "mining" project case files (large quarries, oil exploration) are often controversial, which could explain, especially following decision n° 400559 of 6 December 2017 by the Council of State, their evocation by the Minister for the Environment, who entrusted them to the Ae for investigation and the adoption of an Environmental Authority opinion. Concerns about saving resources and exercising restraint when using them, which often go hand in hand with considerations relating to the appropriateness of the project, is nevertheless a major factor in ensuring that the environment is properly taken into account. The Ae refers to these aspects through recommendations related to the analysis of variants (some of which are fairly resource-intensive) and the justification of the choice made with regard to the impacts on the environment.

As in previous years, plans for dismantling nuclear installations or the creation of management and storage facilities for radioactive waste also raise key issues regarding consistency with the national framework and principles for the management of radioactive waste and materials.

In the case files submitted to the AE, their timetable and choice of options, especially their sizing, have not been adequately justified or explained, the period of their operation being linked with the construction of the industrial geological storage centre.

This means that there is no way of knowing the duration of their operation, and therefore the duration of their effects on the environment, however minor they might be.

Those that fall under the project management of a public institution also highlight the exemplary nature of the State and its public institutions in terms of sustainable development. With regard to establishments and facilities linked to railway operations, the Ae repeatedly refers to the issue of noise pollution and dealing with it appropriately.

Overall project

The logic of the “project” approach, covered by the amended 2011/92/ EU directive and now by the French Environmental Code which resulted from the 2016 rulings, is still not being adequately taken into account by the case files for these installations.

For example, the establishment of logistics warehouses (Neximmo and PLPN 3 in particular) nearly always requires properly sized service roads, or even new roads. Case files that only relate to the installation and not the roads involved are insubstantial, especially when they concern joint development zones that comply with the overall approaches. The two marine fuel facilities in Toulon are just two components of the ship supply system, which also comprises fuelling stations and product transfer pipelines between the two depots. The safety of the depots is intrinsically linked to that of loading/unloading operations.

The most demonstrative example for this topic is certainly that of the Ricanto plant in Corsica, the gas operation and sizing of which are highly dependent on the methods of supply by this fuel, which was barely mentioned in the case file. Finally, by nature, quarries can be opened for a variety of uses or, in some cases,

for specific uses (supplying cement plants or large infrastructure projects). From its opinion n° 2011-59 of 12 October 2011, the Ae had no doubt that the quarries to be created to supply the worksite for the new coastal road in Réunion were one of the components of this project: the Ae confirmed this in opinion n°2018-13 of 11 April 2018, opinion n° 2018-49 of 25 July 2018, and also opinion n° 2018-72 of 7 November 2018 relating to the modification of the Réunion regional development scheme.

Assessments of hazards and the possible impacts of major accidents

The application files for environmental authorisation for the installations classified for environmental protection (ICPE) submitted for an opinion from the Ae included an assessment of the hazards which, in accordance with the provisions of article L. 181-25 of the French Environmental Code, specifies the risks that the installation may directly or indirectly expose its environment to in the event of an accident, whether the cause is internal or external to the installation, and outlines and justifies the measures for reducing the likelihood and effects of such accidents. Similarly, nuclear installations include an installation safety analysis.

The Ae does not undertake a comprehensive analysis of these documents, which primarily falls within the remit of the inspection of classified facilities and the inspection of the Autorité de sûreté nucléaire [Nuclear Safety Authority], with the assistance of a third-party expert if necessary. It does, however, examine the completeness of the document and the accessibility of the reasoning and conclusions to the public, as well as the consistency of the information given therein with the information used in the impact assessment.

With regard to the completeness of the hazard assessments, the Ae has sometimes recommended that the analyses of the accident



Installation of a combined-cycle power plant in Ajaccio (2A) - Ricanto site

scenarios presented (for example, taking into account low probability floods for a plant in a flood-risk area, or even the mapping of high pressure zones between 20 and 50 mbar in the event of an explosion for two quarries) or the proposed measures for managing risks (for example, fire-fighting measures for a hydrocarbon depot) be supplemented.

In accordance with the current version of article R. 122-5 of the French Environmental Code, the Ae also points out that the impact assessments must now outline the project's significant negative impacts on habitats, fauna and flora in an accident situation, and, if necessary, the measures envisaged to avoid or reduce them and details of the anticipated response and preparation for these emergency situations. Of course, this issue is central to the offshore exploration project off the coast of French Guiana: the Ae has recommended that modelling for the extent of an oil spill over the entire water column and the benthic biota with an uninterrupted leakage flow for 60 days be completed with various scenarios.

potentially sensitive information that could facilitate malicious acts in installations classified for environmental protection". In particular, this instruction specifies elements relating to industrial risks which are communicable or non-communicable and not accessible to the public. The Minister for the Environment attached an interpretative note to it.

Pursuant to this instruction, only a version of the hazard assessments that does not include sensitive information is made available to the public during the public consultation, in this case in the form of a "non-technical summary".

The Ae noted an overly cautious approach to the drafting of public documents⁶⁶.

In keeping with the spirit of the circular and the recommendations of the administration regarding its implementation, when only the non-technical summary of the hazard assessment is made available to the public, it should be sufficiently extensive so that the public can understand the main risks of the project. In particular, it must present, in a summary form aimed at the public, aggregated hazard maps by type of effect as well as all of the reasoning and results from the hazard assessment, especially with regard to the levels of residual risks once the project has been completed.

Public access to information

The Ae frequently recommends that all risks related to the project be summarised and the risk management chain planned by the operator be described in the impact assessment. In 2018, the Ae issued its first opinion for an ICPE case file⁶⁵ covered by the provisions of the Government's recent instruction of 6 November 2017 "on the availability and conditions of access to

Therefore, in this specific case, the Ae was sent the public enquiry case file and, at its request, the complete versions of the hazard assessments. This enabled it to recommend that information intended to help the public understand the risks of the planned installations be presented more clearly, while respecting the confidentiality of sensitive information.

⁶⁶ This observation was also made by several regional environmental authority missions regarding case files that they had taken on.

⁶⁵ Modernisation of the Donges refinery (44).

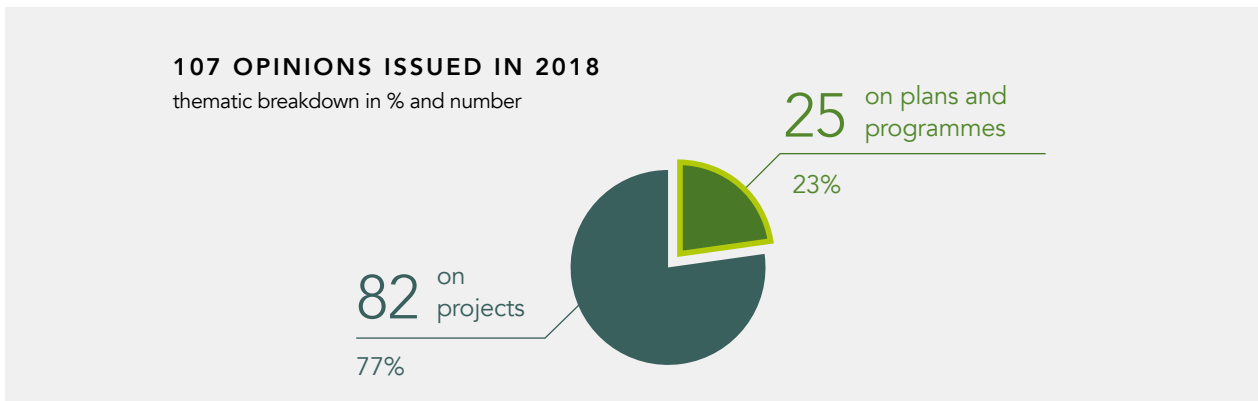




Appendices

- Opinions issued p. 56
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- Abbreviations and acronyms p. 62

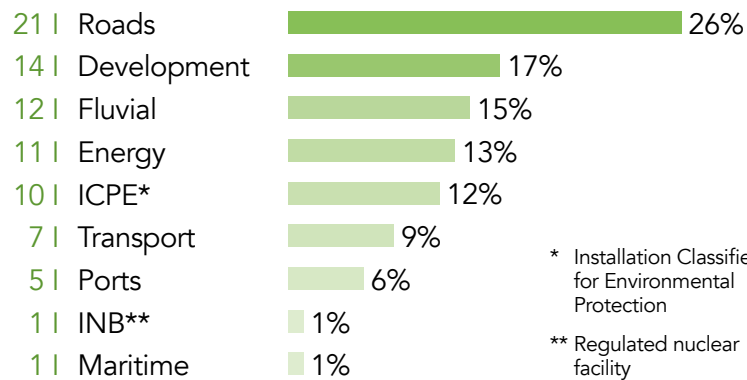
Number of opinions issued in 2018 (projects and plans/programmes)



Opinions issued on projects in 2018

82 OPINIONS ON PROJECTS IN 2018

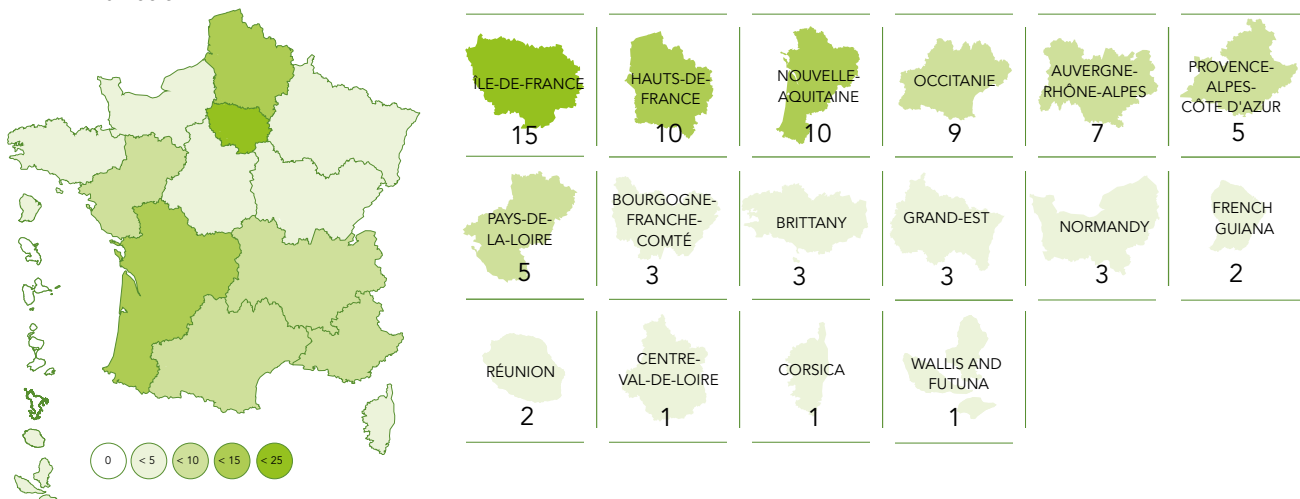
thematic breakdown in % and number



GEOGRAPHICAL DISTRIBUTION

OPINIONS ON PROJECTS IN 2018

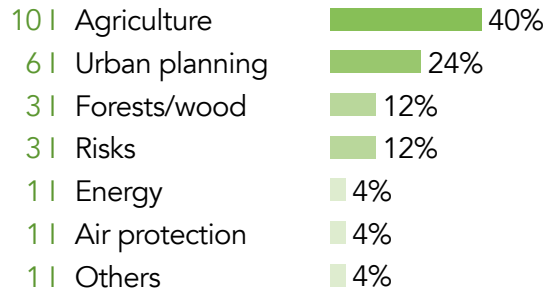
in numbers



Opinions issued for plans/programmes in 2018

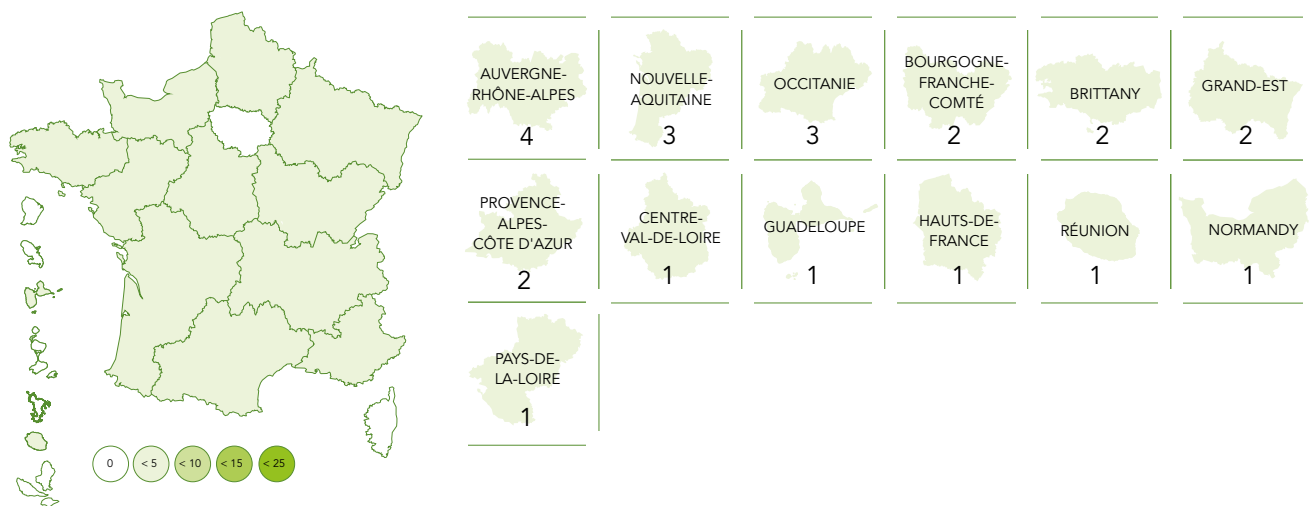
25 OPINIONS ON PLANS/PROGRAMMES IN 2018

thematic breakdown in % and number



GEOGRAPHICAL DISTRIBUTION

OPINIONS ON PLANS/PROGRAMMES IN 2018 in numbers

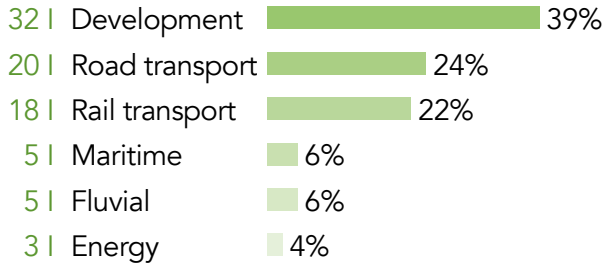


NB: the figures refer to the opinions and decisions issued in 2018 (even if the case file was submitted in 2017); they do not take into account the case files submitted in 2018, the opinions and decisions for which are issued in 2019.

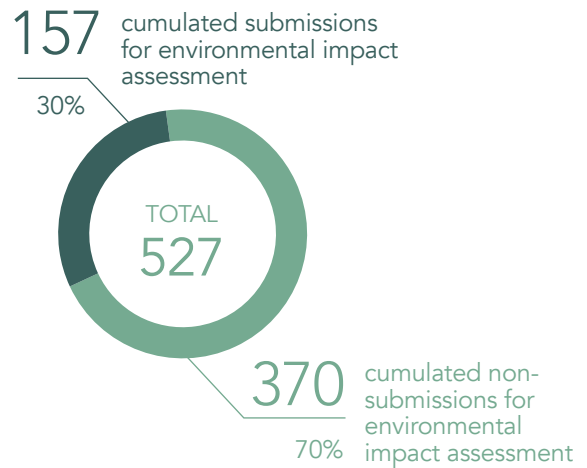
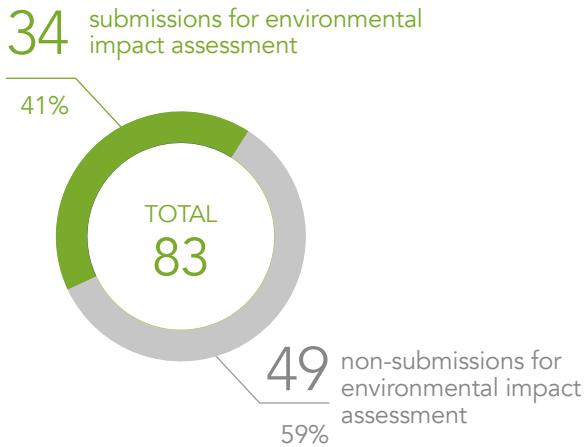
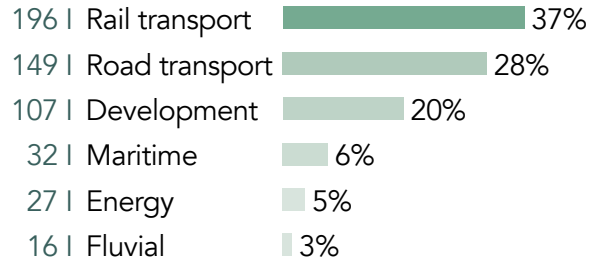
Case-by-case decisions for projects in 2018

thematic breakdown in % and number

83 DECISIONS IN 2018

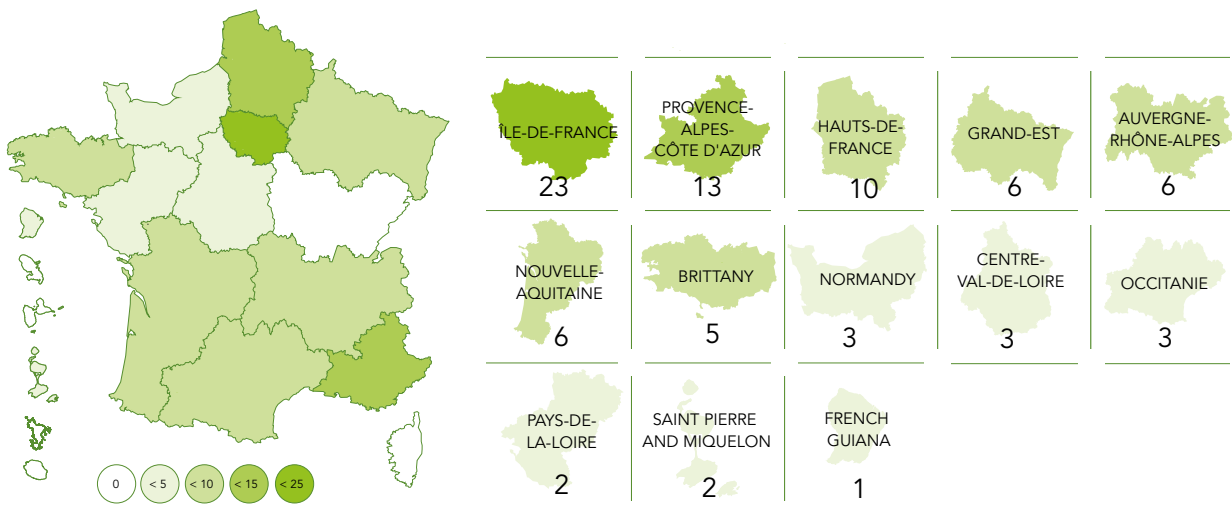


527 CUMULATIVE DECISIONS SINCE 2012



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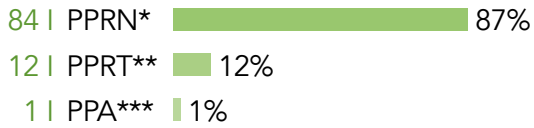
CASE-BY-CASE DECISIONS FOR PROJECTS IN 2018 in numbers



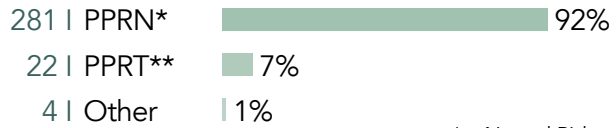
Case-by-case decisions for plans/programmes in 2018

thematic breakdown in % and number

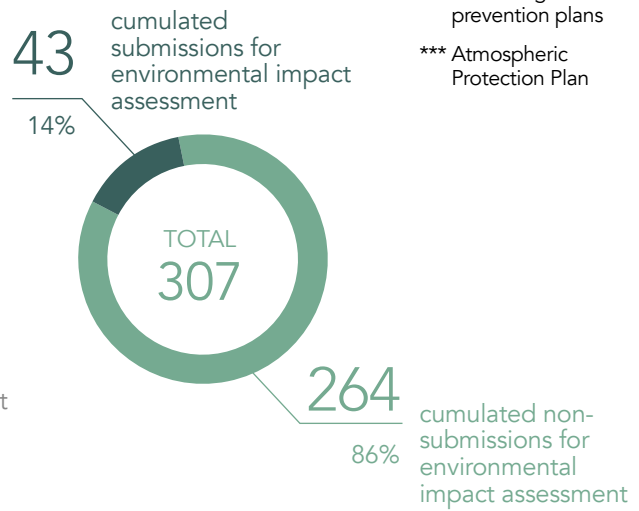
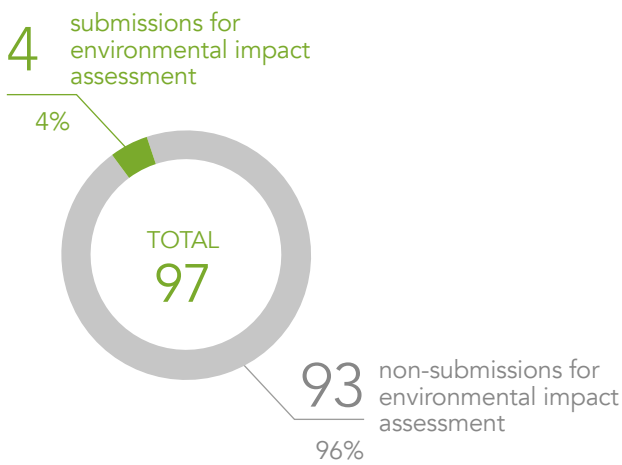
97 DECISIONS IN 2018



307 CUMULATIVE DECISIONS SINCE 2016

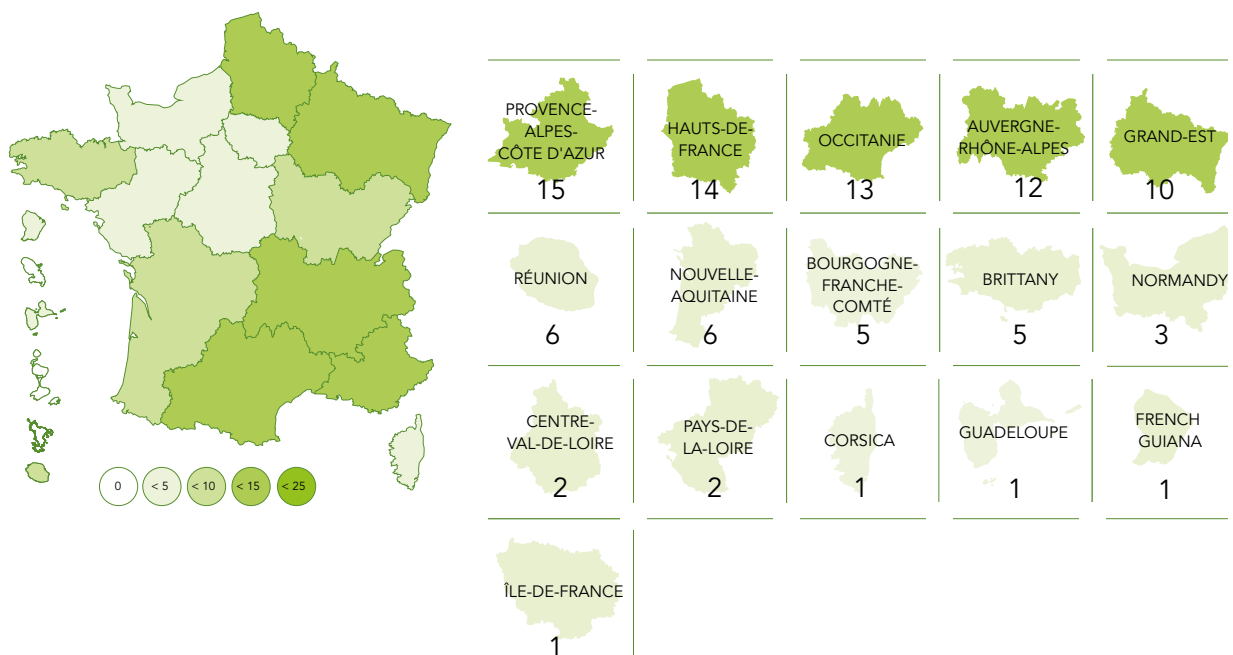


- * Natural Risk Prevention Plan
- ** Technological risk prevention plans
- *** Atmospheric Protection Plan

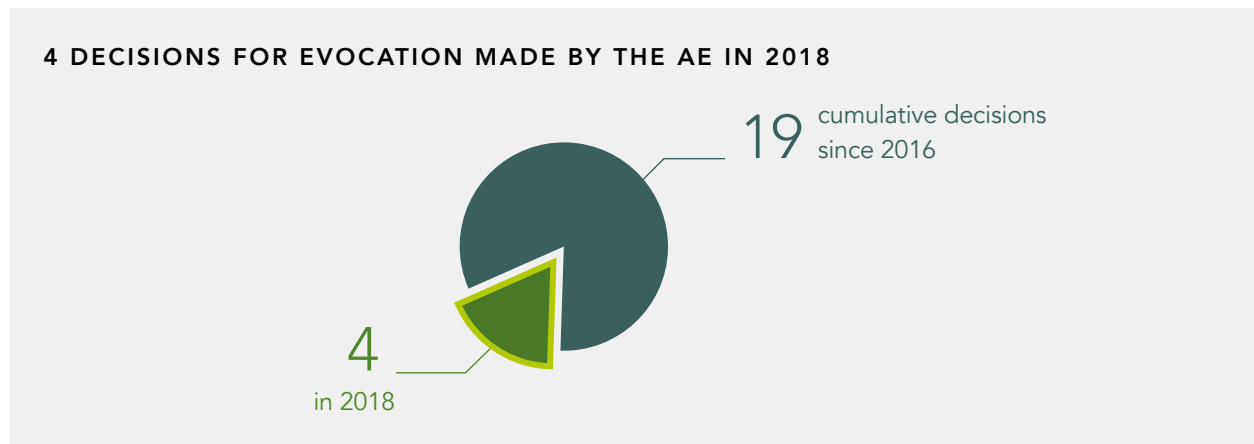


GEOGRAPHICAL DISTRIBUTION OF CASE-BY-CASE DECISIONS FOR PLANS/PROGRAMMES IN 2018

in numbers



Decisions for evocation made by the Ae in 2018



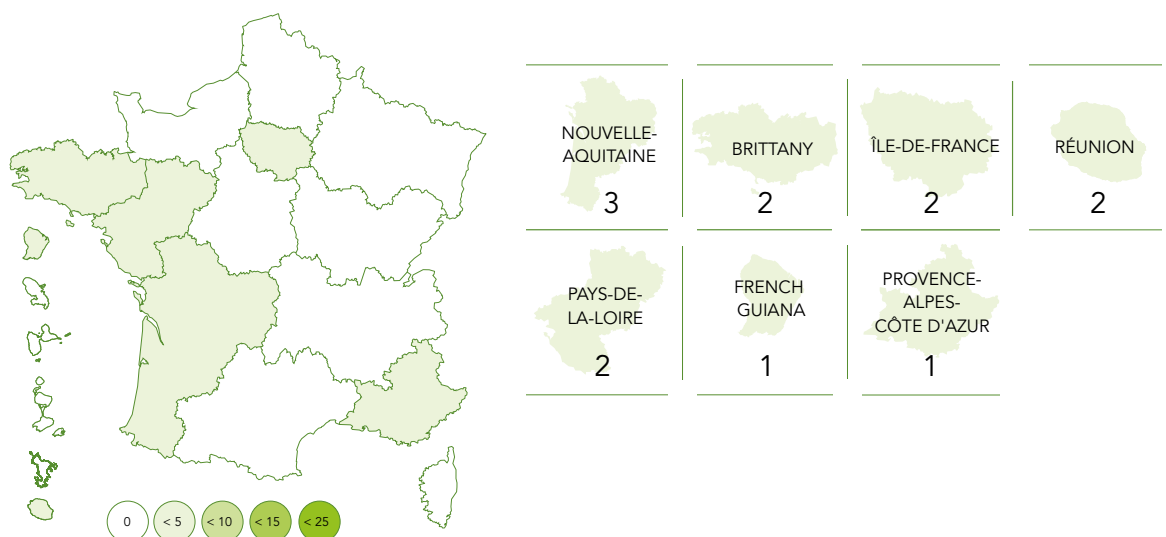
Decisions for evocation made by the minister in 2018

13 DECISIONS FOR EVOCATION MADE BY THE MINISTER IN 2018

In the context of decision n° 400559 of 6 December 2017 by the Council of State, the Minister for the Environment singled out 13 particularly sensitive cases for the Ae to investigate.

GEOGRAPHICAL DISTRIBUTION

DECISIONS FOR EVOCATION MADE BY THE MINISTER in numbers



You can find all the opinions and case-by-case decisions taken by the Ae in 2018 at the following addresses:

OPINIONS ISSUED IN 2018

<http://www.cgedd.developpement-durable.gouv.fr/les-avis-deliberes-de-l-autorite-environnemen.tale-a331.html>



DECISIONS ISSUED IN 2018

<http://www.cgedd.developpement-durable.gouv.fr/examen-au-cas-par-cas-et-autres-decisions-r432.html>



Abbreviations and acronyms

ADEME	Agence de l'environnement et de la maîtrise de l'énergie [Environment and Energy Management Agency]	CNDP	Commission nationale du débat public [National Commission for Public Debate]
Ae	Autorité environnementale du CGEDD [Ae CGEDD Environmental Authority]	CNPN	Conseil national de Protection de la nature [National Council for Nature Conservation]
AFAF	Aménagement foncier agricole et forestier [Land-use and Agricultural Planning and Forest Management]	DGPE	Direction générale de la performance économique et environnementale des entreprises du ministère de l'Agriculture [Directorate-General for the economic and environmental performance of companies of the Ministry of Agriculture]
AFDI	Agriculteurs français et développement international [French Farmers and International Development]	DRAAF	Direction régionale de l'alimentation, de l'agriculture et de la forêt [Regional Department for Food, Agriculture and Forestry]
ANSES	Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail [National agency for food, environmental and occupational health and safety]	DREAL	Direction régionale de l'environnement, de l'aménagement et du logement [Regional directorate for the environment, planning and housing]
CDT	Contrat de développement territorial [Territorial development contract]	DUP	Déclaration d'utilité publique [Declaration of public utility]
CEREMA	Centre d'études et d'expertise sur les risques, l'environnement, la mobilité et l'aménagement [French Centre for Studies and Expertise on Risks, Environment, Mobility, and Planning]	ERC	Éviter, réduire, compenser [Avoid, reduce, compensate]
CGAAER	Conseil général de l'alimentation, de l'agriculture et des espaces ruraux [General Council of Food, Agriculture and Rural Areas]	FCBA	Institut technologique forêt cellulose bois-construction ameublement [Technological Institute for forestry, cellulose, wood construction and furniture]
CGEDD	Conseil général de l'Environnement et du Développement durable [General Council for the Environment and Sustainable Development]	GHG	Gaz à effet de serre [Greenhouse gas]
CGDD	Commissariat Général au Développement Durable [General Commission for Sustainable Development]	GPE	Grand Paris Express
CJUE	Cour de Justice de l'Union européenne [Court of Justice of the European Union]	GPM	Grand port maritime [Maritime port]
		ICPE	Installation classée pour la protection de l'environnement [Installation Classified for Environmental Protection]
		IGN	Institut géographique national [National Geographical Institute]

INB	Installation nucléaire de base [Regulated nuclear facility]	PPRT	Plan de prévention des risques technologiques [technological risk prevention plans]
INRA	Institut national de la recherche agronomique [French National Institute for Agronomy Research]	PRFB	Planifications régionales en matière de forêt et de bois [Regional forestry and timber programmes]
LGV	Ligne à grande vitesse [High-speed line]	SAGE	Schéma d'aménagement et de gestion des eaux [Water Planning and Management Scheme]
MRAe	Mission régionale d'autorité environnementale [Environmental Authority Regional Mission]	SAR	Schémas d'aménagement régionaux [Regional Development Schemes]
OMS/WHO:	Organisation mondiale de la santé [World Health Organisation]	SCOT	Schéma de cohérence territoriale [Territorial Cohesion Plan]
PAPI	Programme d'actions de prévention des inondations [Action Programmes for Flood Prevention]	SDRIF	Schéma directeur régional d'Île-de-France [Regional master plan of Île-de-France]
PAR Nitrates	Programmes d'actions régionaux pour la protection des eaux contre la pollution par les nitrates d'origine agricole [Regional action programmes for the protection of water against nitrate pollution from agricultural sources]	SGP	Société du Grand Paris [Society of Greater Paris]
PLU	Plan local d'urbanisme [Local Urban Plan]	SRADDET	Schéma Régional d'Aménagement, de Développement Durable et d'Égalité des Territoires [French regional planning, sustainable development and equality of territories scheme]
PLU-H	Plan local urbanisme – habitat [Local Urban Plan - housing]	SRCE	Schéma régional de cohérence écologique [Regional ecological coherence scheme]
PLUi	Plan local d'urbanisme intercommunal [Local Intercommunal Urban Plan]	SRCAE	[Schéma régional climat-air-énergie] Regional Air Energy and Climate Scheme
PNFB	Plan national forêt bois [National Wood Forest Plan]	UICN	Union internationale pour la conservation de la nature [International Union for Conservation of Nature]
PNR	Parc naturel régional [Regional Natural Park]	VNF	Voies navigables de France [French Navigable Waterways]
PPA	Plan de protection de l'atmosphère [Atmospheric Protection Plan]	ZAC	Zone d'aménagement concerté [Joint Development Zone]
PPE	Programmation pluri-annuelle de l'énergie [Multi-Annual Energy Plan]		
PPRN	Plan de prévention des risques naturels prévisibles [Natural Risk Prevention Plan]		

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