

New Green Deal In France For Wind Turbines

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A major law was passed on July 13 that we call in French "*Grenelle II*" or in English "The French Green new deal". It covers many areas including wind turbine regulations.

Before this law was passed, onshore wind turbine owners had to obtain a building permit; in addition, for wind turbines higher than 50 meters, an impact report ("*étude d'impact*") and a public enquiry ("*enquête publique*") had to be completed all before the turbine could be built.

Under the new law, onshore wind turbines higher than 50 meters are now also subject to a specific classified installation process ("*Installations Classées pour la Protection de l'Environnement*" or "*ICPE*"). This was the subject of significant debate in the French Parliament because the ICPE process is usually only applicable to polluting or dangerous activities which is not usually associated with wind turbine installation.

Moreover, under the ICPE, the process will be longer, mainly because for six months following the date of obtaining the authorization, third parties can file a challenge to the authorization. At least this is shorter than with the regular ICPE process where third parties have a four year period to file a challenge.

Also because of the ICPE, the wind turbine operator will have to provide financial guarantees, the detail of which will only be made available in a future regulation.

Wind turbines higher than 50 meters are not permitted at all if they are closer than 500 meters to inhabited or potentially inhabited areas.

This law was passed in France in July 2010, but the new wind turbine specific provisions will come into effect some time in the year to July 2011.

The new law also redefined new regional wind schemes ("*schéma régional éolien*") and local wind development zones ("*zones de développement éolien*") which identify the sites best suited to this type of energy.

In our opinion, the new legislation "Grenelle II" in the real estate and planning sectors was not up to expectations and the provisions relating to onshore wind turbines are quite restrictive. However, the provisions in the legislation relating to offshore wind turbines are quite broad, since their existence is not subject to the need to go through this planning process.

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