

ENVIRONMENTAL PERMITS AND ENVIRONMENTAL IMPACT ASSESSMENTS

TRANSV 2

In Wallonia, the environmental permit is the essential authorisation required to operate an establishment or carry out an activity likely to create environmental nuisances (emissions of air pollutants, waste water discharges, noise, odours, waste production, etc.) or to cause health effects. It is called a single permit if the project requires both an environmental permit and planning permission.

Different obligations according to potential impacts

The Walloon decree on environmental permits¹ classifies establishments according to their impact on humans and the environment: class 1 and 2 activities, potentially the most polluting, require a permit, while class 3 activities, which are less polluting, only require a declaration to the municipality². In addition, class 1 projects are automatically subject to an environmental impact assessment (EIA). This is a scientific study carried out by an approved office that highlights the effects of a project on the environment and health. For other projects, an EIA is required if the project is likely to have significant environmental impacts. The permits issued by the competent authorities are subject to general, sectoral, specific or full operating conditions depending on the type of activity and/or type of equipment (boilers, furnaces, etc.). Specific operating conditions may be modified during operation. In the event of non-compliance, the operator can be sanctioned in various ways: administrative fines, penal sanctions, withdrawal or suspension of their permit. In 2016, the Anti-pollution Enforcement Unit of the Public Service of Wallonia (SPW - DG03) drew up 165 official reports for offences related to environmental permits, 114 of which were for failure to obtain a permit and 44 for non-compliance with operating conditions³.

A stable number of permit applications

The municipality is the public authority that receives the permit application, but in practice the application is analysed by the technical official (and the "delegated official"⁴ as part of the single permits) attached to the Permits and

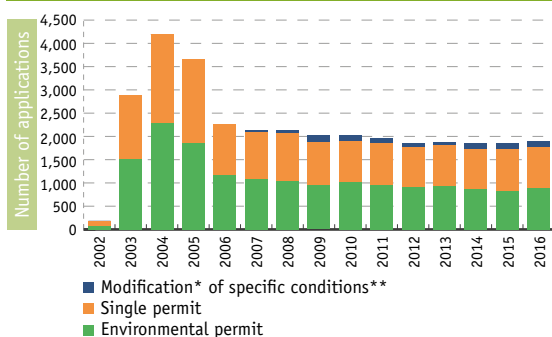
Authorisations Department of the SPW (DG03). The latter also lays down the operating conditions to be followed. Since 2006, the number of applications submitted has been relatively stable⁵. This amounted to 1,892 applications in 2016, of which 890 were applications for single permits, 884 were applications for environmental permits and 118 were applications for modifications of specific conditions⁶.

EIAs mainly related to land use planning projects

EIAs are submitted to the Walloon Environmental Council for Sustainable Development (*Conseil wallon de l'environnement pour le développement durable - CWEDD*) for an opinion⁷. Since 1989, the CWEDD has issued 1,825 opinions on the quality of EIAs and the environmental suitability of related projects. The number of EIAs evaluated by the CWEDD increased overall over the period 1989-2016. In 2016, 85 EIAs were submitted to the CWEDD, of which more than half (46 EIAs) concerned land-use planning projects (locations, commercial activities, etc.), a category whose contrasting evolution is related to the land situation.

[¹] Decree of 11/03/1999 entered into force on 01/10/2002 | [²] Declarations of class 3 activities can be made electronically since 2015, permit applications relating to classes 1 and 2 will also be made digital in the coming years. | [³] → CONTROL 2 | [⁴] SPW - DGO4 | [⁵] The large number of applications between 2003 and 2005 is linked to the entry into force of the new decree. | [⁶] Modifications to the original operating conditions of the permit | [⁷] In some cases, they are also submitted to the Consultative Commission on Land Use Planning and mobility (*Commission consultative d'aménagement du territoire et de la mobilité - CCATM*) or to the Regional Land Use Planning Commission (*Commission régionale d'aménagement du territoire - CRAT*). CWEDD became the "Environment" pole in 2017 (Decree of 16/02/2017).

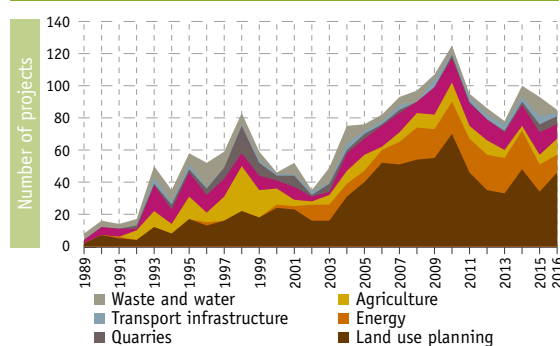
Fig. TRANSV 2-1 Environmental permits and single permits introduced in Wallonia



* Pursuant to Art. 65 of the Decree of 11/03/1999 on the environmental permit
 ** Conditions which apply specifically to the establishment in question, in addition to general and sectoral conditions

SOERW 2017 – Source: SPW - DG03 - DPA

Fig. TRANSV 2-2 Environmental impact assessments* in Wallonia, by category**



* Including assessments in the context of town planning permission
 ** Defined on the basis of the approval of the author of the assessment

SOERW 2017 – Source: CWEDD