

Regulatory framework for wind energy and authorisation procedures in France



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Speech Plan

1. The planification
2. The individual authorisations
3. Electrical Law



PART 1

The planification



1. The planification

1.1. Wind farm documents (1/2)

Regional Wind Plan (SRE)

- Article R. 222-2-IV Environmental Code : The SRE « *identifies the part of the regional territory favourable for wind development considering, on the one hand, the wind potential and, on the other hand, easements, rules for the protection of the natural areas and the natural and cultural heritage of the entire landscape, the technical difficulties and the regional guidelines* »
- The **ZDE created after** the SRE « *must be located in the parts of the regional territory favourable for wind energy development defined by the SRE* »



1. The planification

1.1. Wind farm documents (2/2)

Creation of wind development area (ZDE)

- **Procedure** : by the Prefect at the request of the local communities (*communes* or group of *communes*)
- **Criteria** : wind potential, grid connection, protection of landscapes, biodiversity, monuments, public safety and archeological sites

Litigations : a mandatory step

- Verification of the file
- Procedure (public consultation...)



1. The planification

1.2. Town Planning Rules

National Urban Planning Rules

- « Mountains » and « Coastal » areas: principle of constructing the urban planning extension in continuity with the existing buildings
- General rules of urban planning (enforceable in the *communes* not covered by a local urban planning document) : Principle of unconstructability outside the urbanized areas of the *communes*

Local Urban Planning Rules

- Community maps : Principle of unconstructability in the « natural area »
- Local Urban Plan (PLU) : challenges for natural and agricultural areas
- The evolution of PLU to allow the project (revision...)



PART 2

The individual authorisations



2. The individual authorisations

2.1. Building permit

- One year examination period
- No tacit authorisation at the end of this period
- Obligation to consult the Air Force and the services of civil aviation



2. *The individual authorisations*

2.2. ICPE authorisation

- Authorisation for wind farms consisting of one wind turbine more than 50m high or whose total capacity is more than 20 MW
 - Impact Study
 - Public Enquiry
- Specific conditions: minimum distance from the habitations and radars, acoustic thresholds, safety standards, control requirements...
- New framework for stoppage of the operation: financial guarantees (50,000 € per wind turbine) and remediation obligation



2. The individual authorisations

2.3. Litigation

➤ **Building Permit**

- Time limit of two months from the first date of display of the building permit for filing a litigation
- Litigation can be filed by any interested party (environmental association, neighbors...)

➤ **ICPE authorisation**

- Time limit of 6 months from the publication or display of the authorisation
- Interest to file a litigation is widely interpreted: any person showing a legitimate interest



PART 3

Electrical law



3. *Electrical law*

3.1. License to operate and grid connection to the network

License to operate

- Only for wind farms with a capacity of more than 30 MW.
- This authorisation is issued by the Minister for Energy.

Grid connection

- Grid connection application allows to be on the waiting list
- Grid connection plan



3. *Electrical law*

3.2. Power purchase obligation

Power purchase obligation

2 cumulative conditions :

- Wind turbines installed within the ZDE
- Production units consisting at least of 5 wind turbines

Feed-in Tariff

- Feed-in Tariff Decree dated 17 November 2008 (base tariff 8.2 c€/kWh)
- Risk of cancellation of feed-in tariff decree (*Conseil d'Etat*, 15 May 2012, *Vent de Colère*) : awaiting the reply of CJEU on the qualification of State aid



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