

## Environmental and Social Data Sheet

### Overview

Project Name: ROUTE E420 FRASNES BRULY RTE  
Project Number: 2012-0103  
Country: BELGIUM  
Project Description: *Aménagement de type autoroutier sur le corridor de la route E 420 entre Frasnes et Brûly*

EIA required: yes

Project included in Carbon Footprint Exercise<sup>1</sup>: no

(details for projects included are provided in section: "EIB Carbon Footprint Exercise")

### Summary of Environmental and Social Assessment, including key issues and overall conclusion and recommendation

The project consists of the construction of 13.8 km of new dual-carriageway road (type réseau routier à grand gabarit) that will form part of the E420 European route between Frasnes, Couvin and Brûly in Belgium. The project is identified on the comprehensive road TEN-T.

The project was included in a revised sector plan for Philippeville-Couvin by decision of the Government of Wallonia on 29 October 1998. The plan was not subject to the requirements of a strategic environmental assessment (SEA) according to the EU Directive 2001/42/EC.

According to environmental impact assessment (EIA) Directive 2011/92/EU, the project falls under Annex I and therefore is subject to the full EIA procedure.

The environmental process of the project developed in three distinct time periods. The first EIA of the project was completed in 2001 and supplementary environmental studies were completed in 2004 and in 2008. Each stage included stakeholder and public consultation. On February 2009 the Government of Wallonia issued a planning permit for the project.

The project will bypass Couvin, transferring traffic – especially freight – away from the urban areas. This reduction in congestion will provide local improvements in noise and air quality, and improve safety.

The project does not directly encroach on any identified Natura 2000 areas although it does pass close to three sites identified to contain protected species. Following an Appropriate Assessment and public consultation, most significant impacts are related to partial loss of habitats, severance and potential impacts during construction and operation. Mitigation measures have been incorporated in the design and include provision of channels and culverts for migration of identified large and small fauna, storm basins, sluice and drainage systems in sensitive areas with pollution separators, and appropriate animal fencing. The project compensates for the loss of flora through replanting and habitat creation in affected areas.

Planning permit has been received for the project. There are outstanding appeals related to the planning permission of 3 February 2009 and land expropriation with a decision by the State Council pending. The resolution of the outstanding planning permission and land

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<sup>1</sup> Only projects that meet the scope of the Pilot Exercise, as defined in the EIB draft Carbon Footprint Methodologies, are included, provided estimated emissions exceed the methodology thresholds: above 100,000 tons CO<sub>2</sub>e/year absolute (gross) or 20,000 tons CO<sub>2</sub>e/year relative (net) – both increases and savings.

expropriation claims are expected by the end of 2013 and will be a disbursement condition for the Bank. Nature Declaration Form (Form A / B or equivalent) completed by the Competent Authority is a disbursement condition for the Bank.

Subject to fulfilment of the disbursement conditions, the project is acceptable in relation to environmental and social aspects.

## **Environmental and Social Assessment**

### **Environmental Assessment**

#### **SEA Procedure**

The project was included in a revised sector plan for Philippeville-Couvin by decision of the Government of Wallonia on 29 October 1998, before an SEA in accordance to Directive 2001/42/EC became applicable or mandatory.

#### **EIA Procedure**

The project preparation started in 1996. During the initial study, 12 alternatives for the project route were identified including options bypassing Couvin to the east and west. The study resulted in the eastern route around Couvin and the extension Couvin – Brûly as the preferred alternative. The project was identified to reduce congestion – especially in Couvin – and provide localised air quality, noise and safety benefits. The project was included in a revised sector plan for Philippeville-Couvin by decision of the Government of Wallonia on 29 October 1998.

According to environmental impact assessment (EIA) Directive 2011/92/EU, the project falls under Annex I and therefore is subject to the full EIA procedure. The EIA process is adopted in the region through the Order of Wallonia Regional Executive Council of 31 October 1991, which implements the decree of 11 September 1985. The first planning application for the project was initiated on 8 June 1999 by the Namur Direction des Routes (road authority of Namur).

The first feasibility study and EIA for the project was completed in 2001. This followed a standard procedure that included an information meeting Frasnes-lez-Couvin (4 May 2000) and public consultation prior to EIA (26 April - 26 May 2000). The final statement was issued on 7 March 2001, and the public inquiry that followed between 21 May 2001 and 19 April 2001 resulted in 191 complaints. A consultation meeting was held on 10 May 2001 and opinions sought from the Commission Régionale de l'Aménagement du Territoire, Conseil Wallon de l'environnement pour un développement durable and the Département Nature et Forêt de la Région Wallonne). The subsequent report by the Direction Générale de l'aménagement du Territoire, du Logement et du Patrimoine on 5 October 2001, recommended a modification to the project and additional studies. This included, amongst other project modifications, further analysis of the project's impact on the environment and an appropriate assessment of Natura 2000 areas pursuant to the Habitats (92/43/EEC) and Birds (2009/147/EEC) Directives.

The subsequent study recommended further measures to mitigate and compensate for the projects impact on the habitat and ecosystem and reported in December 2004. The study was submitted to the appropriate authorities of the Wallonia Region and a second public consultation was held between 10 May 2005 and 9 June 2005. This resulted in 71 complaints or observations and 5 petitions. A consultation meeting was held on 30 June 2005. The additional procedure led to the filing of a new EIA report dated 18 October 2005.

After further procedures, the Ministère du Logement, des Transports et du Développement Territorial awarded planning permission on 16 March 2007. This was cancelled on 22 January 2008 by the State Council following appeal and the absence of a compliant non-technical summary (NTS) of the revised EIA. A complementary NTS was completed on February 2008 and a new public consultation was conducted between June 18 and 17 September 2008.

91 complaints were received and 3 petitions. Subsequently, a consultation meeting was held on 8 October 2008. After further notices by government departments, on 3 February 2009 the Government of Wallonia granted a planning permit for the project.

### **Natura 2000**

The project does not directly cross a Natura 2000 site identified under either the Habitats (92/43/EEC) or Birds (2009/147/EEC) Directives. The road does pass in the vicinity of a number of Natura 2000 sites: BE35027, BE35030 and BE35031. As part of the project development, an Appropriate Assessment was carried out and a number of measures to mitigate and compensate for effects on the environment were included as a condition for planning permission. This included areas affected by the proposed project in the area of l'Eau Noire, Ry de Rome, stream at Forge du Prince and stream at Tauminerie.

In total approximately EUR 12m is allocated in the project cost related to environmental mitigation and protection measures. Environmental measures included crossing passages for large and small fauna (particularly amphibians and small mammals); appropriate animal fencing; bat habitats; storm basins, sluices and road drainage runoff in sensitive areas with pollution separators; and planting of flora compensating for loss.

Receipt of completed Nature Declaration form (Form A/B or equivalent) is a disbursement condition.

### **Permits**

The Planning Permit was issued for the project on 3 February 2009 by the Government of Wallonia. This was ratified by the Wallonia Parliament on 12 February 2009 and published on 20 February 2009. The period of validity of the permit was two years. This was extended on 22 November 2010 for an additional year – to 3 February 2012.

As of 16 September 2011, construction on Phase 1a of the project started. The validity of the planning permission extends for 5 years until 15 September 2016 for Phase 1. From November 2011, the clearing operations for Phase 2 started in preparation for works. The validity of the planning permission is extended to November 2017 for Phase 2.

Three disputes are still outstanding on the project: two requests for cancellation of the license of 3 February 2009 by individuals, and one application for annulment against the order of expropriation from a landowner. The disputes are expected to be resolved by the end of 2013.

Confirmation that the disputes related to the planning permit have been resolved is a disbursement condition.

### **Land Acquisition**

Land acquisition for the project has been fully identified and requires expropriation of 355 plots including 14 houses, rural building, workshop and two farms with total area of 156 hectares. Land acquisition is undertaken by the Acquisition Committee, Department of Finance, Namur. The committee estimated the total cost at EUR 12m and expropriates according to a schedule. As of 27-03-2013, 4 of 12 tranches were fully acquired, with the remaining plots outstanding.

It is noted that an appeal against the expropriation order has been lodged by a landowner. The outcome of the decision by the State Council is still pending. Previous actions for annulment of the planning permission 16 March 2007 were resolved amicably.

Confirmation that the dispute related to land expropriation has been resolved is a disbursement condition.

## **Social Assessment**

The project will affect local communities in the vicinity of the project who have been consulted upon during the project design and planning phases.

The planning permission provides conditions related to environmental (e.g. waste management), social and health and safety standards to be fulfilled during the construction and operation of the project. This is in addition to the need to comply with relevant European Directives and national / regional legislation with regard to environment, road safety, and health and safety standards.

## **Public Consultation and Stakeholder Engagement**

The project development started in 1996 and at each stage involved some form of public consultation and stakeholder engagement. The initial feasibility that identified 12 different route alternatives was subject to stakeholder consultation including local government authorities and environmental organisations. The EIA process – including the supplementary environmental studies undertaken – necessarily included public consultation and public inquiry. These consultations coincided with the delivery of the major stages in the feasibility and EIA process in 2000/2001, 2004/2005 and 2008.

## **Other Environmental and Social Aspects**

The planning permission stipulates requirements for monitoring throughout the project phases (prior to construction, during construction, after construction and operation). This includes:

- Monitoring of groundwater quality,
- Monitoring air quality, noise and vibration levels,
- Monitoring impact on biodiversity, flora and soil.