



**mouvement
écologique**

The government's " BUILDING MORE AN FASTER" strategy:

Unbalanced government document with one-sided orientation raises numerous questions!

Summary of the central analysis of the Mouvement Écologique for the various fields of action:

1. 1. Administrative simplification - Local planning regulations: Protect the interests of the general public!

Risk of a coherent overall development of the municipality and democratic rights being jeopardised

The catalogue of measures raises numerous questions. There is a risk that central principles will be called into question:

- There is indeed a risk that the procedural simplifications will lead to the PAG being amended for specific projects instead of coherent planning, **without this being in line with the objectives of meaningful overall planning**. Moreover, according to the current wording, it is not even ruled out that such amendments could be made without the creation of all

studies or democratic decision-making at municipal level.

- In addition, it remains unclear to what extent the **follow-up costs** arising from a project for the municipalities are taken into account or not.

- In addition, various measures - depending on the way in which they are implemented - can lead to **an undermining of the competences of the Ministry of the Environment and further urban sprawl**.

- Reading the measures at present, one gets the impression that the (in itself legitimate) interest in being able to realise individual projects more quickly can lead to the **general interest being overridden**. The detailed implementation of the measures will reveal whether this will be the case or not.

- The following further question arises: **Why are only facilitations from the applicant's perspective cited for a project?** It may be understandable that these are currently the focus of attention and are also more strongly emphasised. However, it is disappointing that the citizens' perspective is hardly included.

If you want to "reduce" procedures in terms of time, you should involve citizens as early as possible. This demonstrably saves time throughout the entire process and creates acceptance. So why is there no obligation to **involve citizens in the preparation of the "étude préparatoire"**, which concerns the development of the entire municipality? Why doesn't the municipality have to evaluate and publish this analysis every few years to determine whether a revision of the PAG makes sense? This provision existed before the implementation of the so-called omnibus law.

After all, optimising the procedures does not just mean simplifying them from the client's point of view, but also from the point of view of all stakeholders. To date, this has not been provided for in the government paper. Consideration and optimisation of the influence of all stakeholders is essential.

2. Individual authorisations and "silence means agreement" :

Avoid the risk of damage to the rights of third parties

The introduction of de minimis limits and the principle of "silence vaut accord" must not lead to the rights of third parties being violated. The government has not given this guarantee to date, as it has not disclosed any **criteria** for which projects these regulations apply. Ass redite

Implementing the principle of "silence vaut accord" can also have **negative consequences**. It may be partly due to negligence if an authorisation is not issued within a reasonable timeframe. But there are certainly other reasons, such as a lack of staff, overloading of administrative services, etc... What would have been needed was an honest analysis of the reasons for the failure to process dossiers in a timely manner in the individual procedures. This was not done (at least not recognisably to the outside world). There is therefore a risk that municipalities or other stakeholders who are unable to process an authorisation within the expected timeframe will simply issue a negative decision (reasons can probably be found somehow) so that they do not risk being confronted with problematic implementation later on.

It is also regrettable that the dossier was only **examined from one perspective**: from the side of the applicants for a licence.

There is also the **perspective of those affected by a project**. Unfortunately, these were not addressed, although this is in everyone's interest. After all, it has been proven that it saves a great deal of time for a project if those affected are involved from the outset.

For example, the government's website <https://enquetes.public.lu/> is completely underdeveloped. According to the theory, this is supposed to give interested citizens an overview of current procedures in which they can get involved. However, by no means all procedures are currently published there. Furthermore, it is not clear to the individual which are published there and which are not. Why is there no obligation to publish every public procedure on this portal? This would be a "simplification administrative" also in the interest of citizens.

Or, alternatively, **municipalities** do not have to put public procedures on their territory online a priori. Why is this not mandatory? Why not also organise an electronic notification procedure for interested citizens?

These examples are only representative of others in order to show that there was a one-sided view of the problem on the part of the state.

3. Protecting nature and natural resources in built-up and planned development areas:

Ensure high-quality greening within the localities - also in the interests of quality of life!

Simplification of procedures yes - but not at the expense of nature in people's neighbourhoods

For years, the Mouvement Ecologique has been calling for simplifications in the handling of compensation measures that must be initiated when natural habitats are destroyed for a settlement project. However, these measures must also represent real compensation for the losses, which to date has not been the case to the extent required.

It is therefore entirely appropriate to revise the current compensation system, not least in view of the dramatic loss of biodiversity and the need to better adapt our localities to global warming.

With this in mind, the Mouvement Ecologique advocated the "nature for a time principle" several years ago. The aim is to allow spontaneous vegetation (i.e. the growth of hedges, shrubs, etc.) from a set date onwards without any obligation to compensate.

However, the government's current catalogue of measures must be scrutinised very critically in general and also with regard to the interpretation of the principle of "nature for a limited time".

Temporary nature must not apply retroactively: The incentive to preserve existing green structures must be maintained

The principle of "temporary nature", as it was also brought into the discussion years ago by the Mouvement Ecologique, was that newly created vegetation - especially hedges and shrubs - would not have to be compensated for. However, the government wants to go far beyond this and is thus generally questioning the preservation of important green structures that exist today. The government wants to introduce **the concept of nature with retroactive effect.**

Existing, even older, species-rich natural hedges would simply lose their protected status: there would no longer be any incentive to preserve them. As a result, important biotopes that may have existed for decades would no longer be subject to the compensation obligation (they would be compensated "across the board" elsewhere). The consequences will be obvious: **Less high-quality greenery in existing neighbourhoods, whereas the exact opposite would be required.**

According to the Mouvement Ecologique, it would have been possible to simplify the procedures, introduce the principle of "temporary nature" and at the same time find ways to avoid sacrificing valuable existing structures.

Ensuring truly green settlements for people - instead of statistical values

Another problem is which green spaces should be created in new settlements: the government wants to stipulate a value of 10% green structures in new settlement projects. This may sound good, but it harbours numerous problems.

According to the government document, it is irrelevant whether these are green roofs on (private) buildings or high-quality green areas in the interest of the public. Moreover, it is not ensured that these new installations are even remotely related to the destruction of green elements from the point of view of biodiversity protection... in a time of climate change and a serious biodiversity crisis!

The government continues to leave open how it will react if the construction of this 10% proves to be difficult to realise for various reasons. In that case, exceptions would probably also be possible...up to and including questioning the Nature Conservation Act.

However, **species-rich, spatially networked green structures in the immediate neighbourhood** are of the utmost importance - not only from the point of view of biodiversity in urban areas - but especially for the quality of life of residents. If the aim is to increase building density, then there must also be greater investment in social and green open spaces.

Unsatisfactory compensation for the loss of hedges, bushes and other green structures

Hedges which, according to the interpretation of the government document, are no longer protected in urban areas - according to information, they probably make up over 50% of today's green structures in urban areas - are nevertheless to be compensated in certain cases. This applies if less than 20% of the municipal area consists of green structures that are higher than 1.5 metres (*couvert boisé*). Here, too, there are numerous problems hidden behind what sounds like a good measure. Even today, the average "*couvert boisé*" in the municipalities is 17%. In municipalities that currently have over 20%, the destruction therefore no longer needs to be compensated... These municipalities will lose green structures in the future.

It also ignores how these 20% green structures are used. Tuja hedges, exotic ornamental shrubs ... are equated with high-quality green spaces and public squares....**Neither quality criteria nor the spatial distribution of the "couvert boisé" are addressed. This is neither technically justifiable nor justifiable from the point of view of preserving the quality of life. Without quality criteria, without a clear target orientation, our localities will become poorer in terms of valuable green structures.**

Settlement development at the expense of agriculture?

Destruction of natural habitats for certain species (protected bats, red kite) due to construction projects in urban areas is also to be compensated for across the board by measures on 1,500 hectares of state-owned agricultural land. The intention is to ensure that these areas are pesticide-free and that 2/3 of them are cultivated according to organic farming criteria within 5 years.

There is no evidence whatsoever that the pesticide-free cultivation of these areas is effectively sufficient to compensate for the loss. Quite the opposite. More far-reaching steps would have been necessary here (such as a ban or at least a reduction in the use of fertilisers)... The technicality of the government's measure must be questioned with absolute scepticism.

Of course, the Mouvement Ecologique is in favour of pesticide-free agricultural management. But it would be better if this were **part of a strategy for agricultural development and for bringing biodiversity and agriculture together, rather than using a crowbar to iron out settlement pressure**. In addition, it is more than questionable whether and in what time frame the government can actually implement this measure ... What does agriculture have to say about this?

The list of problematic new provisions could go on and on: After all, **water management hardly plays a role in the government's package of measures** and although the government has made the **circular economy a priority**, it only mentions the expansion of landfill sites for construction waste instead of increased reuse.

Conclusion: Supposedly simple solutions should now regulate how compensation is made - instead of being based on professional and scientific criteria and the goal of maintaining or even improving the quality of life of residents.

The government could have proceeded differently; there were also alternative proposals on the table, including from the Mouvement Ecologique, to simplify the procedures. Even the programme introduced under the former

Government's legislative project to amend the legal regulations provided for sensible instruments...

Furthermore, one would have expected that **the focus would not only be on how settlement projects and denser construction methods could be implemented more easily, but also on how more green urban areas could be achieved and how the preservation of biodiversity could be promoted at the same time.** After all, there are considerable deficits in this area.

Instead of playing off the challenges of housing construction and those of biodiversity against each other, both perspectives should be considered equally.

05.07.24