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Investing in Opportunities
This project has received European Regional Development Funding through INTERREG IV B.
INTERREG IVB

Microalgae in Belgium / Flanders

Environmental Permitting

Responsibilities for environmental protection in Belgium are allocated to the regional level (Brussels, Wallonia and Flanders), so separate legal and permitting system exist in these jurisdictions. The current permitting system based on the Flemish Environmental Permitting Regulations (VLAREM). Currently three types of permits, based on an assessment of environmental risk, are employed in the Flanders region. Category 3 is very low risk, and Category 1 is the highest. For Class 1 installations, operators must apply to the Provincial Environmental Licences Division Committee, who are obliged to either grant or deny a permit within 4-5 months. Applications for Class 2 and 3 facilities should be directed to the municipal authorities where the development will take place. As microalgae culture is categorized as aquaculture, Flemish legislation on water is very important. In Flanders, all permits affecting the water system are subjected to the 'watertoets'. This is an online tool by which the authorities who decide on a permit assess the impact of the facility on the water system. New rules for the VLAREM regarding the discharge of wastewater effluent into water bodies in Flanders will mean more strict limits on discharges.

Main implementing legislation	Primary implementing agency	Permit types
Flemish Environmental Permitting Regulations (VLAREM)	Flanders Environment, Nature and Energy Department – Environmental Licences Division Municipal authorities	Class 1, 2, 3 Watertoets www.integraalwaterbeleid.be/watertoetsinstrument/

Key Points to consider:

1. What is the size of the facility?
2. What services exist already on the site?
3. Is the site located close to dwellings / environmentally sensitive areas / sites of special scientific interest?
4. Are any discharges produced by the site? Will significant amounts of waste be stored on site?
5. Are there any concerns about noise?
6. Are there any emissions from site?

First step:
- Contact Environmental Licence Division / visit Watertoets website

Planning

All development requires a building permit. Four main types of permits are employed in the Flanders region: environmental permits; subdivision permits for dividing land for sale or building; and building planning permission. Environmental and planning permits can be combined into a single permit where appropriate, while minor permits can be issued for commercial installations that have limited impacts. Under the VLAREM regulations environmental permits fall into one of three Categories (1, 2 and 3) depending on the anticipated impacts of the development on the environment. The first step of the application process is to contact the local planning office in order to assess the feasibility of the project in the form of a planning report or opinion. Applicants are then required to complete and submit a planning permission application form. Planners then have a specified time frame in which to respond to the application.

Main implementing legislation	Primary planning authority	Planning mechanism
Flanders Planning Decrees	Local planning authority	Building permit

Key Points to consider:

1. What size is the facility?
2. Is the site located close to dwellings / environmentally sensitive areas / sites of special scientific interest?
3. Are any discharges produced by the site?
4. What services exist already on the site?
5. Is the site likely to cause nuisance - e.g. noise above levels of agricultural machinery / odour / light above dense street lighting?

First step:
- Contact Local Planning Authority

Regulatory Issues

Regulatory issues are very much dependent on end use of biomass. Please consult the relevant factsheet for further information.

Factsheet #15. Algae as Feedstock for Energy Generation - European fuel quality and other bioenergy legislation are explained

Factsheet #16. Algae as Feedstock for Chemicals - this covers REACH and other pertinent legislation

Factsheet #17. Algae as Feedstock for Food or Feed - FEMAS and other regulations for entering the food chain are described in more detail.

Key Points to consider:

1. What inputs have gone into the production process: are any classified as waste?
2. What is the target end use of the algal biomass?
3. What further processing steps are required?

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