



Sub-basin management plans at 20

For just over 20 years, planning of water management in France has been carried out locally, notably in the form of SBMPs (sub-basin management plans) that were created by the 1992 Water law¹. During those 20 years, SBMPs have evolved to take into account environmental and legal changes. In the process, they have become a frequently used instrument for balanced and sustainable management of water resources and a means to integrate water issues in territorial planning.

The SBMP, a local planning tool for water management

The 1992 Water law¹ set up two planning instruments for balanced and sustainable management of water resources:

- > RBMPs (river-basin management plans) set, for each major river basin, objectives in terms of water quality and quantity, as well as the general guidelines for water policy for six-year periods;
- > SBMPs (sub-basin management plans) are a local version of the RBMP, intended to address issues specific to each territory and to solve conflicts concerning water use.

The SBMP is a planning instrument that sets, coordinates and prioritises overall objectives concerning the use and protection (both quantitative and qualitative) of water resources and aquatic ecosystems, and the preservation of wetlands. It lists the conditions and the means required to achieve the objectives. It also establishes rules, notably concerning the shared use of water resources. An SBMP is the result of a voluntary effort of local stakeholders to work together and reconcile the (growing) needs for various uses (drinking water, industry, agriculture), without overly impacting water resources or damaging aquatic environments.

In compliance with the 1992 law, the first RBMPs were drafted in 1996 and the first

SBMP was approved in 1997 for the basin of the Drôme River. Subsequently, the environmental and legal context evolved considerably, primarily following the adoption of the Water framework directive² (WFD) in the year 2000 and its transposition into French law by the Law on water and aquatic environments³ in 2006. These legal documents introduced major innovations, including mandatory results and the setting of precise timetables for achieving environmental objectives. The SBMP was already widely used in dealing with local issues and subsequently served as important tools in implementing the RBMPs and the programmes of measures. The 2006 Water law also reinforced their legal standing. For example, an SBMP must be compatible with the RBMP, however it is binding on administrative decisions concerning water issues and on the urban-planning decisions of local governments. In addition, SBMP regulations have now also been made binding on third (private) parties.

“Necessary” SBMPs

In the RBMPs for the years 2010 to 2015, a total of 65 SBMPs were listed as “necessary” to comply with the fundamental guidelines and objectives set by the WFD, in particular concerning the good ecological status of water. In 2014, 64 of the 65 have been at least initiated, with 35 still going through set-up procedures and 29 fully operational (or even in the process of being revised)⁴. The deadline (end of 2015) for SBMP approval should be met thanks to the collaborative efforts of the various stakeholders.

¹ Law 92-3 (3 January 1992).

² Directive 2000/60/EC (23 October 2000).

³ Law 2006-1772 (30 December 2006).

⁴ According to the data in the Gest'eau database as of 19 June 2014.

In addition, the 2006 Water law expanded the scope of SBMPs. The first SBMPs addressed primarily issues concerning the quantitative management of water:

- > preservation of sufficient quantities;
- > equitable distribution in order to reconcile uses (drinking water, industry, agriculture, tourism, energy, fishing, shell fishing, sports, bathing, etc.) and protection of aquatic environments;
- > flood prevention and management.

Since 2006, a number of SBMPs have incorporated qualitative issues:

- > no further degradation and restoration of good chemical and ecological status of water;
- > preservation of wetlands and of species;
- > restoration of the ecological continuity of rivers for the free movement of species and improved sediment transport.

The WFD also requires that littoral waters (estuaries and coastal waters)⁵ be taken into account.



The SBMP for the Céle River basin (Aveyron, Cantal and Lot departments), an example of integrating water management in local planning policies

To ensure consistency between projects for territorial planning and for the SBMP, the Rance and Céle management board for the Céle SBMP participates in drafting the local development plans (SCOTs) and works with local governments

in preparing their local urbanisation plans (PLUs). Each SCOT must comply with the overall guidelines and rules set by the SBMP. In the Céle River basin, rules concern maintaining grassy or wooded buffer zones along rivers, forbidding access of farm animals to rivers and prohibiting the dumping of materials that could be carried off by floods anywhere within 35 metres of rivers and streams.



The perimeter covered by an SBMP is set according to natural criteria, i.e. it may be a river basin (hydrographic criterion) or a body of groundwater (geologic criterion). In 2014, the average surface area covered by SBMPs is 1 830 square kilometres, ranging from a minimum of 186 km² for the Biguglia pond in Corsica to 11 000 km² for the Vilaine River basin in Brittany. The average number of towns in an SBMP is 131, ranging from a minimum of 5 on Réunion island to 808 for the Beauce groundwater body. The numbers vary widely depending on the issues in each area and the local organisational structures.

An SBMP plans, recommends and sets guidelines

An SBMP sets the objectives and determines the means required to achieve balanced and sustainable management of water resources. That consists of:

- > presenting in greater detail the quantitative and qualitative objectives set by the RBMP, taking into account the local conditions;
- > setting priorities for the work required to reach good water status;
- > establishing local rules in order to ensure the preservation and restoration of aquatic environments. An SBMP can also determine the distribution of the available volumes of surface and groundwater among users.

In this manner, the SBMP can ensure the consistency of the guidelines and work undertaken in the water sector. The measures, whether binding or voluntary, are decided upon through discussions with all the stakeholders. These negotiations produce a jointly devised action programme accepted by all participants.

Operational implementation of the SBMP requires appointing managers and funding studies and projects (work, changes in practices, etc.). That may include signing local or regional environmental contracts, and establishing voluntary and negotiated action programmes requiring financial commitments over several years on the part of the participants.

An SBMP involves many stakeholders

The SBMP is formulated collectively by all the water stakeholders in the concerned area. They participate in an oversight council, called the LWC (local water commission), that organises discussions and makes decisions. As the true decision-making entity of the SBMP, the LWC organises all aspects of the process, including the preparation of each step, validation of documents, settling of disputes, as well as monitoring implementation. Once the SBMP has been adopted, the LWC oversees the implementation of the recommendations and stipulations contained in the SBMP, as well as the execution of projects.

The LWC is chaired by a local elected official and is made up of three voting groups, whose members are appointed by prefectural decision:

- > local governments, their collective groups and local public entities (at least one-half of the all LWC members);
- > users (farmers, industrial companies, etc.), land owners, professional organisations and the relevant associations (at least one-quarter of all LWC members);
- > the State and its public organisations (at most one-quarter of all LWC members).

SBMP documents

An SBMP is made up of two documents⁶:

- > The PAGD (sustainable development and management plan) sets the objectives, guidelines and arrangements of the SBMP, and determines the conditions under which it should be achieved (technical and financial means). The above may consist of, for example, an increase in knowledge (monitoring network, studies), the creation of planted zones along all rivers in the basin, the diagnosis and renovation of drinking-water distribution systems, etc. All programmes, projects and decisions taken by the administration, directly or indirectly, concerning water and aquatic environments, must be compatible with the PAGD.
- > The SBMP regulations, including maps, list the rules designed to ensure that the objectives set in the PAGD

are met. These rules are binding on third parties, i.e. the management decisions, projects and facilities of public or private entities must comply with the rules. If the rules are not observed, the offenders may receive citations. The rules may stipulate, for example, that it is forbidden to fill lakes and ponds during low-flow periods, that it is mandatory to include additional treatment for phosphorous in certain wastewater-treatment plants, or that hydraulic installations must be periodically opened. During the public inquiry, an environmental report is added to the SBMP project file. The report pinpoints, describes and assesses the main effects that SBMP implementation could have on the environment. It also presents the measures intended to reduce and, where possible, compensate the negative impacts that the project is likely to have on the environment.



In 2014, the average number of members in a LWC is 51 (with a minimum of 24 and a maximum of 94). The number depends on the size of the area covered by the SBMP, local customs and the issues at hand, administrative borders and the diversity of stakeholders.

⁵ In compliance with the Marine Strategy Framework Directive 2008/56/EC (17 June 2008).

⁶ Ordinance on SBMP implementation (4 May 2011).



To achieve the objectives and fulfil the recommendations made by the SBMP, the LWC depends on a management entity required to drive and control the overall procedure. The selected entity may be a public river-basin territorial agency, a local government or group of local governments, a board, an association, etc.



In 2014, **101 SBMPs are managed by boards, 16 by inter-departmental basin organisations and 16 by departmental councils.**

The management entity itself depends on one or more leaders who play an essential role throughout the procedure, thanks to their knowledge of the issues and the local area, their capacity to draft SBMP documents and lead the LWC, their technical know-how, their proposals for studies and projects, their capacity to communicate and inform, etc.

State services⁷, in addition to participating in the LWC, set guidelines and accompany SBMP formulation and implementation. They frequently intervene, notably to:

- > organise meetings on setting the perimeter and creating the LWC, as well as for the public inquiry prior to SBMP approval;
- > prepare the necessary legal documents;
- > provide all information of use in preparing and implementing the SBMP, in particular concerning the priority objectives of water policy and any changes in regulations;
- > facilitate the creation of the management entity, if necessary;
- > ensure consistency between different SBMPs;
- > process declarations and requests to authorise work submitted to the water police;
- > check compliance with all applicable regulations.

The Water agencies and Onema (National agency for water and aquatic environments) provide assistance and technical support during SBMP formulation and implementation. The Water agencies also provide funding for management, studies and any other useful projects.



Greater awareness of the need to protect the estuary thanks to the SBMP for the Vilaine basin (Brittany)

One of the problems confronting the Vilaine SBMP was silting of the estuary, which profoundly modified the local ecosystem and impacted uses of the area. As early as the year 2000, the LWC brought together elected officials, users, environmental-protection groups and the State services to encourage debate among the stakeholders, manage disputes and carry out the studies required to improve the available knowledge and inform the participants. The meetings enabled the various stakeholders living and working in the area to come to know each other and to initiate a collective project. For example, they launched studies to understand and monitor the silting phenomenon, drafted a book on the history of the estuary, set up a management committee for the Arzal dam, etc. They are now in a position to prepare a collaborative project for the sustainable development of the area. They are currently working on a management project for the Vilaine Bay.

An SBMP requires many steps

The various steps in creating an SBMP begin or end with the signing of documents by the Prefect:

- > During the initial assessment phase, the basin committee and the concerned Prefect(s) judge the relevance of the project and its rationale in terms of water management. This step results in the creation of a communication and consultation document intended for the local stakeholders.
- > Administrative processing starts following the signature by the concerned Prefect(s) of the document delimiting the SBMP perimeter. In parallel, studies are launched

on the composition of the LWC and selection of the management entity.

- > Formulation starts following the signature of the document listing the LWC members. This phase consists of preparing drafts of the various SBMP documents, consulting the local governments and citizens (via public inquiry) on the draft documents and finally having the documents approved by the LWC. This is a key phase in setting up an SBMP because it is necessary to collectively select a strategy that subsequently facilitates implementation of the plan.
- > Effective implementation starts with the signing of the SBMP approval papers. Action in the field can now begin.

Once approved, the SBMP can be revised, for example to bring it into conformity with

a new law (e.g. SBMPs approved prior to the 2006 Law on water and aquatic environments) or a new RBMP, or to take into account any major changes in local water policy.

The advantages of an SBMP

- > It is a sub-version of the RBMP (specific priorities, more detail, more binding) on the level of a smaller river basin, offering a degree of flexibility in addressing the local context (subsidiarity principle) and leverage in implementing a programme of measures.
- > The SBMP can target precise zones or issues, concerning various topics (SBMPs have adapted to new issues such as water quality, hydromorphology, ecological continuity, etc.) and social aspects (conflicts concerning water use).
- > The procedure involves negotiations and the LWC serves as the decision-making entity (the local "water parliament").
- > The project (issues at hand, rules governing the sharing of water) is adopted by the local stakeholders, a condition ensuring their commitment.
- > The PAGD and the SBMP regulations are legally binding.
- > Territorial planning is clarified because local zoning documents must comply with SBMP stipulations.



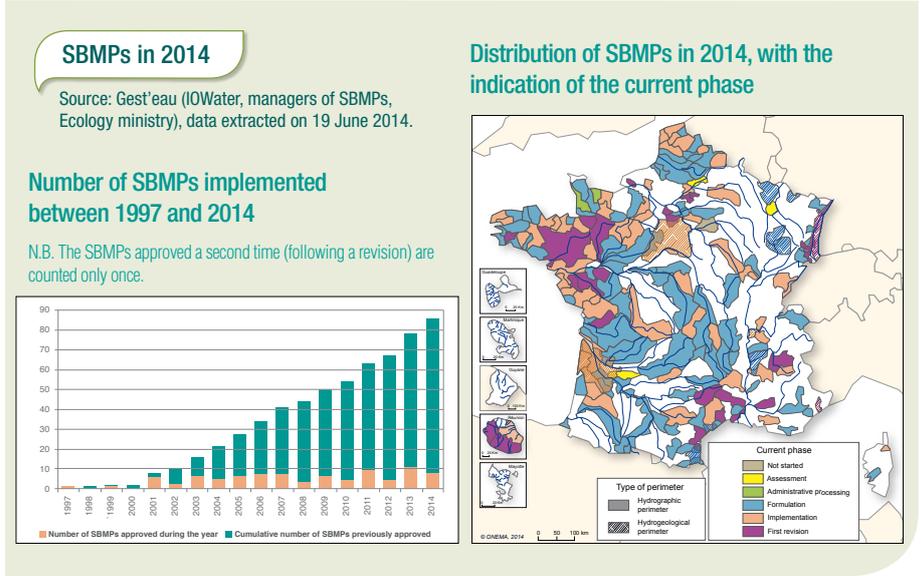
The assessment and formulation phases are long procedures requiring negotiations and coordination of the various objectives pursued by the local area. The length of the formulation phase may vary significantly depending on the implication of stakeholders, previously acquired knowledge levels, the capacity to mobilise human and financial resources, and the seriousness of any conflicts. Between 1997 and 2014, **the average time required for formulation was eight years**, but it can be much shorter, for example only three years for the Largue SBMP (Alsace) or the SBMP for the western part of Réunion island. Such long periods are often required for a majority of stakeholders to become familiar with and to accept the project. One of the objectives of the LWC and the management entity must be to maintain momentum in order to shorten the formulation period, whenever possible.

⁷ DREAL, the regional environmental agency, and DDT(M)s, the departmental territorial and maritime agencies.

Increasing numbers of SBMPs

In 2014, a total 178 SBMPs existed, including 86 (48%) already implemented or even revised. Another 86 (48%) were undergoing formulation and six (4%) had not yet reached the formulation phase. SBMPs cover 51% of French territory (continental and overseas). The goal is not to cover all of France, but rather to use SBMPs as required to reach the objectives set by the RBMP and the good status of water. The diversity of local areas should be taken into account. In certain cases, when it is difficult to undertake the work required to reduce the pressures weighing on aquatic environments (pollution, abstractions, morphological damage), the creation of an SBMP may be justified.

It should also be noted that river basins have selected different strategies for their SBMPs. For example, the Artois-Picardie basin created SBMPs throughout the basin to manage the fairly complex problems of pollution inherited from its industrial and mining past. The Rhône-Méditerranée-Corse basin decided to make use of the complementary aspects between SBMPs and river contracts. Other types of contracts (e.g. territorial contracts, multi-year management plans) worked out with the Water agencies can also be used as needed.



Between the 1992 and the 2006 laws, 34 SBMPs were approved. The first were for the Drôme River in 1997 and the Largue River in Alsace in 1999. Even though they are not mandatory, the number of SBMPs subsequently increased regularly. Between 2001 and 2007, the number of final approvals stabilised with an average of five per year. In 2008, the modifications made by the 2006 law (new approval procedures, creation of SBMP regulations) had a major impact on the SBMPs then going through the formulation phase, with the number of SBMPs approved annually

dropping by almost one-half. However, the LWCs reacted rapidly and the number of annual approvals then rose to reach a maximum of 11 in 2011.

Note on methods

The information presented briefly here was prepared using a method implemented jointly by Onema, IOWater, the Ecology ministry and the members of a national working group (GVI) comprising the Water agencies and offices, the Water and biodiversity directorate of the Ecology ministry, basin DREALs, SOeS and research institutes such as BRGM, Ifremer and Ineris. The data was drawn exclusively from the Gest'eau database, which is supplied with data by the management entities for SBMPs and river contracts, the Water agencies, the DDT(M)s and DREALs, and is managed by IOWater under guidance from the Ecology ministry and Onema. The data was extracted on 19 June 2014.

Recent legal changes

The law on modernising public territorial action and promoting cities (27 January 2014)⁸ assigned mandatory responsibility for the management of aquatic environments and flood prevention to towns as of 1 January 2016. This responsibility will be automatically transferred to the EPCI (public entity for intertownship cooperation) having autonomous taxation powers to which the town belongs. The latter may

delegate or transfer that responsibility to a river-basin board, which may in turn transform itself into an EPAGE (public water management and development agency) or an EPTB (public river-basin territorial agency). A notable purpose of these changes is to enhance management capabilities and the coordination between the entities in charge of managing aquatic environments and flood prevention. They will also be more effective in formulating and implementing SBMPs.

⁸ Law 2014-58 (27 January 2014).

For more information

Data on SBMPs may be found at: www.gesteau.eaufrance.fr
 Find this document on the internet at: www.eaufrance.fr/IMG/pdf/sage_1997-2014_201407_EN.pdf or www.documentation.eaufrance.fr

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Publisher: Elisabeth Dupont Kerlan (Onema)
Editor: René Lalement (Onema)
Coordination: Isabelle Vial, Janik Michon and Claire Roussel (Onema), Johanna Sanchez (Ecology ministry), Stéphanie Laronde (IOWater)
Authors: Geoffrey Couraud and Katell Petit (IOWater), Janik Michon (Onema)
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Translation: Bartsch & Cie

This document was drafted in accordance with the national master plan for water data (SNDE) and was submitted to the concerned WIS-FR partners.

