



The Mayor's Office

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Subject: Response to the 'open letter addressed to the residents of Port Grimaud'

To all users of the marina,

I have read carefully, but also with some concern, the contents of the *'open letter addressed to the residents of Port Grimaud'* which has been circulating on social media. Although this document is presented as a source of information for co-owners who use the harbour, it is in reality a condensed version of some assumptions and falsehoods which raise questions about its true purpose. Although not clearly stated, the author is obviously seeking to create some form of opposition to the projects supported by the local authority.

I will deliberately limit myself to correcting, at least partially, the main erroneous analyses made by the author in order to stop the spread of misinformation, which in turn leads to unnecessary misunderstandings:

1. I am sorry to say that the text concerned is deliberately peppered with terms which are 'inappropriate' to the reality of the issue with the sole aim of frightening the uninitiated or insufficiently informed reader and thereby provoking mistrust or even rejection of the project. There is nothing wrong with not agreeing with the public interest behind the approach taken by the municipality, as long as this choice is argued and 'honestly' discussed. However, deceiving the public in order to achieve a certain result seems to me to be highly questionable, if not dishonest.

Contrary to what is written, Port Grimaud is not the subject of any particular *'ambition'* on the part of the local authority, and even less so the subject of any *'speculative endeavours'*. Such accusations are based on a misunderstanding of how public administration works, are completely unrelated to the administration's areas of competence and incompatible with the basic rules governing public service missions. Although it may disappoint the author of this text, I would like to point out that we are neither property dealers nor property developers, etc.

The sole objective of the municipality, as harbour authority, is to manage the public harbour in order to reconcile the accounts, modernise its ageing equipment and improve the quality of service provided. This objective is simply a requirement of public management. In fact, I have a duty to guarantee the quality of the services provided

to the population and to ensure access to them for as many people as possible. This is the sole aim of the municipality in terms of its management of the public harbour at Port Grimaud.

2. Contrary to what has been written, the municipality has not initiated any 'expropriation' proceedings against any co-owners' associations. This statement is therefore completely wrong. However, as stipulated in the specifications of the licence, as well as in the Public Procurement Code and established case law, the movable and immovable property used for the operation of public services is transferred by law to the new operator. The municipality is therefore requesting the return and/or trade-in of the equipment which the previous licensees used to operate harbour services. With regard to the internal access roads in Port Grimaud, whose free access is essential to the functioning of the harbour's public services, alternative solutions to transferring these roads to the municipal public domain are currently at a very advanced stage in discussions with ASL representatives. The idea of registering a contractual right of way for use by harbour services is progressing very favourably, as this would enable the private status of all the internal roads concerned to be maintained.

3. The author of the text goes on to mention the '*very significant environmental impact*' of the scenarios proposed as part of the 'Port Grimaud 2030' project. Once again, why try to scare people for no real reason? Everyone knows that French regulations on the protection of marine and coastal environments are among the most stringent in Europe. Consequently, nothing can be done without the required administrative authorisations, which are issued by the Prefect. Therefore, the project to develop the north and south sea walls will have to comply in every respect with the environmental regulations laid down by the prefectural authority. As a result, any development project adversely affecting the marine environment will be immediately rejected by the government.

4. With regard to consultation, our interlocutor considers that the two legal months during which the local authority led and facilitated the public debate, from 21 August 2024 to 21 October 2024, were not sufficient to ensure that the requests of local residents were clearly expressed. Only if you have a short memory and are prepared to stretch the truth could this perhaps be seen to be true! I would like to remind you that to ensure a thorough understanding of the topics under discussion and optimal discussion time, the municipality more than doubled this discussion time by setting up a pre-consultation period of almost 3 additional months, from 1 June 2024 to 20 August 2024. As a result, the consultation period lasted not two months, as falsely stated in the document, but almost five consecutive months.

5. The author, who is always seeking to cause concern by any means possible, explains that the sensitivity of the infrastructure, and especially the sheet piling, is incompatible with the dredging work planned by the municipality. The argument put forward is based on the assertion that this work would disturb the ground too deeply and could destabilise the foundations of the lake. How can they write such nonsense? The sole purpose of the planned dredging is to restore the original depth of the water, as designed by François Spoerry during the construction of Port Grimaud. There is therefore no risk of disturbance!

6. In the same vein and with the same dishonest intention, our interlocutor criticises the '*excessive exploitation of the waterway...*' by the harbour authority '*and*

in particular certain boats... with high-powered engines whose *'vibrations'* are likely to weaken the harbour infrastructure. This allegation is not based on anything credible, as the size of the boats accommodated in the port has not increased since 2022, nor has the power of the engines. This information can be easily checked with the Harbour Master's Office, which has the registration files of vessels accommodated in the harbour before and after 2022. Contrary to the unproven assertions made by the author for the public to condemn, the opposite is actually the case, with stopover levels lower than those recorded in the period prior to 2022.

7. Reading on, I was interested to see the passage relating to the specific nature of Port Grimaud, which highlights the inseparable nature of a mooring and its associated house. According to the author, this particularity should prompt the municipality to *'invent a new model...'* as one of the custodians put it during the consultation. It is precisely this very forward-looking approach which the local authority has adopted – in partnership with the representatives of PG3 in particular – by drawing up the harbour regulations, but also and above all, by drafting a new usage guarantee contract which gives priority to the owner of a house for the mooring located directly in front of their property. To ensure that this 'absolute right of priority' is permanent and independent of the lifespan of an AOT, we are going to ask the Administrative Court of Toulon to recognise this right as part of a judicial conciliation process. For the record, judicial conciliation is a formal process whereby parties attempt to reach an agreement with a view to resolving their differences amicably.


For the purposes of providing information, and subject to the agreement of the parties concerned, we will also include in the scope of the conciliation some of the constituent elements of the 'return of assets' dossier, including the internal roads in Port Grimaud (see **point 2** of this leaflet), the careening area, etc.

8. The author suggests that different rates be applied by the municipality in the context of usage guarantee contracts in order to distinguish between owners who use the lake and those who do not. I would remind you that the public harbour service is exclusively for users of the lake. Consequently, it is not responsible for dealing with the issue of citizens who are not users of the harbour services, such as owners who do not have boats.

In line with this, it is also proposed that preferential mooring rates be given to co-owners on the grounds that they pay for their own utilities directly, unlike other boat owners. I would remind you that the signing of the Usage Guarantee contract, reserved primarily for owners who use the lake, is accompanied by an annual contract for the occupation of the mooring, the rate for which is set at €20/m², i.e. an annual cost of €960 for an average-sized mooring of 48 m². If the Usage Guarantee contract is not signed, the annual rate for a mooring of the same size is €6,348 (minus utilities). This means that the pricing structure takes full account of the unique situation of Port Grimaud.

9. With regard to the planned work on the Harbour Master's Office building, I would remind you that its current configuration does not meet current standards in terms of working conditions and must, therefore, be redesigned. The creation of additional work areas, as well as a reorganisation of the interior spaces, are essential. The post-consultation period that is now beginning will enable the final specifications for the upcoming renovation work (schedule, surface areas, distribution, etc.) to be

defined in accordance with the project outlined by Atelier Xavier Bohl. This had won the most support by the end of the preliminary consultation.

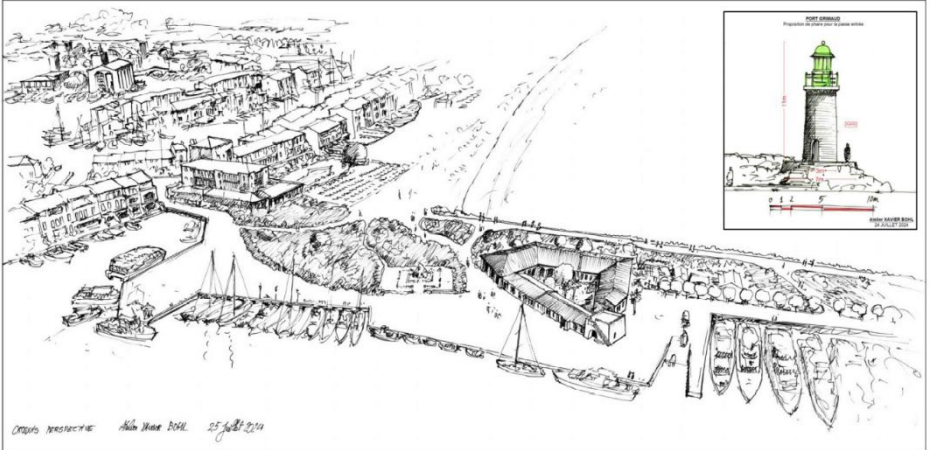



SCÉNARIOS ÉTUDIÉS

CAPITAINEURIE – AVANT PORT

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➤ **Scénario 1 – Atelier X. Bohl**



Crédits illustration: Atelier Xavier BOHL - 25 Août 2014

Contrary to what is suggested in the open letter, it is impossible to select another project now which has not been submitted for prior consultation and selected at the end of this process.

The same applies to the development of the church wharf, where the plan adopted at the end of the consultation process involves moving the large vessels traditionally moored on the main quay to the outer harbour in order to reopen the view of the 'inner lake' and extend the existing side wharf. Subject to possible adjustments intended to improve the overall plan, no other projects can be implemented.

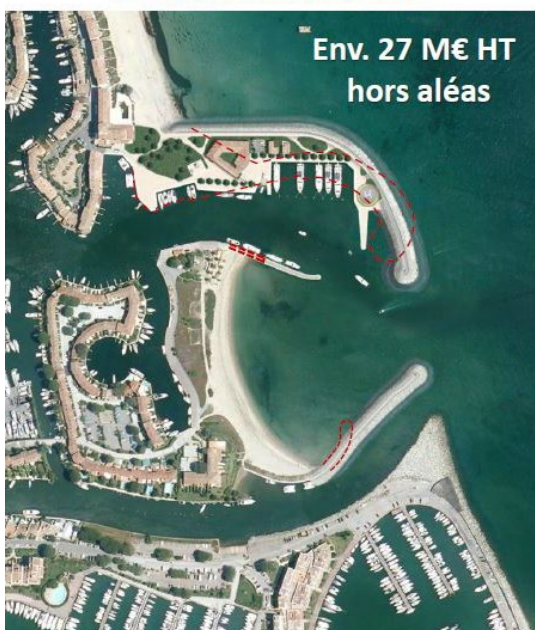
➤ **Scénario 3 – Architecte A.Janin / Egis**



10. The same applies to the development of the outer harbour, for which scenarios 1 and 1a received the most votes in favour at the end of the preliminary consultation. As mentioned above, the post-consultation period which is now beginning, as well as the additional studies currently being carried out, will clarify, refine or even amend the original scenarios with a view to improving their effectiveness.

Scénario 1

Extension Nord et Sud



Scénario 1bis

Extension Nord et Sud + Gisclé



Furthermore, I would like to remind you that the development of the north sea wall cannot be considered separately to that of the south sea wall, as they form the two major axes of an overall redevelopment project aimed at combating the recurrent silting up of the outer harbour and the entrance channel.

11. Concerns about the visual impact of raising the harbour's protective sea walls and the presence of large pleasure boats in the outer harbour were alleviated thanks to a video shown during the consultation process. The latter demonstrated that these developments would not cause any visual disturbance to the houses behind.

With regard to the environmental impact of the project, we refer the reader to **point 3** of this leaflet.

I would like to take this opportunity to remind all users of the lake that the raising of the sea walls is also in response to the problem of rising sea levels, which are estimated at between 0.80m and 1.50m according to a recent study by the Ecole d'architecture de Paris-Est. This scenario is significantly worse than the 'notification to the public' issued by the government on 13 December 2019, which predicted a rise in sea levels of between 0.50 and 1 metre by 2100. These considerations for the future cannot be ignored in our planning deliberations.

12. Finally, the author mentions an increase in the costs of the project to modernise Port Grimaud and bring it up to standard, without providing any figures to support this claim. Anyone who has overseen major investment operations or project management tasks knows that the estimated cost at the *detailed preliminary design stage* changes as additional studies progress, such as modelling work, which is the case in this instance. I would like to reiterate that, even if the target cost of the project were to be exceeded, this would have no impact on the rate for the usage guarantee, as its price is capped at €425 including VAT per square metre, for a total of approximately €36 million including VAT.

I hope that by presenting you with these facts, I have dispelled the concerns raised by these rumours. The municipal departments, and in particular the Harbour Master's Office, continue to be at your service should you require any further information.

I remain, kind users of the marina, yours faithfully.

Alain Benedetto,


Mayor of Grimaud,
Chair of the Harbour Authority