



Permitting for Successful Acceleration of Solar and Wind Deployment: A Ten-Step Checklist

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Accelerating the diffusion of renewables is unequivocally a vital course of action, but it should be done in a socio-ecologically sustainable manner that allows for the EU to carry out a just transition and weighing action against the environmental harm it may inflict. We have developed the following checklist comprising of ten points, which stakeholders should consider when accelerating the diffusion of solar photovoltaics and wind power. Although we are aware of the need to further explore the implications of acceleration on upstream (e.g. production of solar PV modules), this checklist focuses on the downstream.

We identify discrete considerations based on discussions with experts affiliated with eight relevant stakeholders¹, a thorough analysis of scholarly literature, studies and the position papers of key stakeholders, as well as drawing on preceding analysis² conducted on the matter. This is by no means an exhaustive or definite list and is rather intended to spark discussion. Feedback we received suggests that for some actors these points are too abstract, while for others, they may be overly specific.

The spirit and intention of this work is to prompt dialogue among those involved in designing policy, executing projects, and seeking to conserve nature. Our findings clearly highlight that there is a need for a greater focus on geography, which entails interweaving space-based considerations (e.g. local politics) and national (or EU-level) renewable energy goals. Thus, we hope to prompt those engaged with the transition to explore how these considerations can be transposed to their specific context, but also add to the list where necessary. Only by enriching policy discourse by these many viewpoints can we iterate towards a socio-ecologically sustainable and inclusive future.

¹ For a full list, see below.

² <https://www.eclareon.com/en/projects/res-simplify>.



Support for *democratic energy communities*

The European Commission underscored that the EU's energy "transition must be **just and inclusive** [bold in original]"³, which entails the inclusion of a broad base of the citizenry. The approach has since made its way into the Commission's Recommendation on speeding up permit-granting procedures for renewable energy projects as well, where it underscores that "Member States should implement simplified permit-granting procedures for renewable energy communities"⁴.



Simply put, energy communities are vital for the energy transition and measures need to support this. In some cases, this is taking shape, as Lithuania allocated half of grid capacities to energy communities and prosumers⁵, but is not the case across the board. The slow roll-out of incentives and regulatory frameworks, ambiguities, and the lack of political will to implement them in a socially just manner hinder their growth⁶.

The lack of a clear definition in EU policy – Renewable Energy Communities (RECs) in RED II⁷ versus Citizens Energy Community (CEC) in the Electricity Directive⁸ – already poses an impediment, but the piecemeal, inattentive, or deliberately skewed implementation by member states hinders their contribution to the energy transition⁹. In many cases, this has led to private profit-seeking enterprises, frequently with large energy portfolios, participating in energy cooperatives and skewing the democratic decision-making processes that the ethos of cooperatives seek to uphold. There is an urgent need to accelerate the diffusion of renewable energy communities that uphold the ethos of *community*.

- 1.1. *Member states need to harmonise regulation, the principles upheld by energy cooperatives, and the locality specific particularities of RECs/CECs. Here, authorities should consider how to uphold the ethos of cooperatives, which varies based on geography and history, but generally revolves around democratic decision-making, democratic control by members, and aims to benefit the community.*
- 1.2. *Energy community grid access quotas should be set, with targets adapted to the specific context.*

3 https://eur-lex.europa.eu/resource.html?uri=cellar:b828d165-1c22-11ea-8c1f-01aa75ed71a1.0002.02/DOC_1&format=PDF, p. 2.

4 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PL_COM%3AC%282022%293219.

5 Scholich (2018). Vorranggebiet, Vorbehaltsgebiet und Eignungsgebiet. <https://www.arl-net.de/system/files/media-shop/pdf/2023-01/Vorranggebiet%2C%20Vorbehaltsgebiet%20und%20Eignungsgebiet.pdf>

6 <https://www.sciencedirect.com/science/article/pii/S2772569322001049>.

7 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001>.

8 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0944>.

9 <https://www.rescoop.eu/toolbox/unleashing-the-power-of-community-energy-policy-recommendations>.

2

Respecting and engaging locals and civil society more broadly

There is a deep need to engage with local communities in a meaningful manner. The acceleration of renewable deployment risks top-down control of authorising projects without local engagement. Consulting locals and civil society broadly well in advance of the launch of a project is widely seen as a key to success. Some, as is the case in Slovakia, are developing guidelines to “early intervention” and timelines that structure engagement, adding an element of predictability to the dialogue between developers and locals.

Region-specific¹⁰ issues are also not necessarily taken into account in national policy and without local engagement developers’ ability to complete successful projects on-time decline. This can only be offset with thorough consultations to bring thorny issues to the foreground. For instance, the interaction of tourism and the renewable energy industry is not reflected in Croatian policy, where it is a contentious issue. The importance of engaging has been acknowledged by the solar industry¹¹ and progress has been made in exploring cooperation between agriculture and renewable energy developers. Key caveats are still lacking, such as discussion between authorities, project developers, civil society broadly, including environmental NGOs, and fishermen regarding offshore area allocations. What is more, consensus-seeking and knowledge sharing should be reflected in national policy or regulations, as they are still best practices as the most.

- 2.1. *Draft a pre-project code of conduct, which offers guidelines to how locals and civil society broadly should be consulted with regard to a project. This includes access to information well in advance of developers taking final and irreversible decisions, alongside the introduction of a timeline that specifies feedback rounds, contact with town halls, and written positions that local communities and other interests can submit to shape developers’ course of action.*
- 2.2. *Develop regional guidance documents on the local specificities that developers need to consider when engaging locals.*
- 2.3. *A town hall on the project in advance to the developer launching permitting should be the point of departure for a developer, which should be mediated by a neutral third-party that can facilitate communication and articulate vital points between locals and developers.*
- 2.4. *Local leaders should launch a discussion on the redistribution of income and socio-economic benefits from projects in a timely manner (i.e. well in advance of a project beginning operations). Funds need to be traced and published, ensuring that leaders can be held accountable.*



¹⁰ <https://www.e-flux.com/architecture/dimensions-of-citizenship/178284/on-the-politics-of-region/>.

¹¹ https://api.solarpowereurope.org/uploads/Position_paper_Permitting_FINAL_1_71ada9642.pdf?updated_at=2022-07-27T12:34:57.105Z.

3

Benefit sharing and building public support

The energy transition's success hinges on both local engagement and broader public support for renewables. Numerous cases indicate that ill-managed policy interventions or actions (think of the solar PV scandal in the Czech Republic¹² around 2013, the corruption scandal in Slovakia during the early-2010s, or the multi-billion euro compensation demands¹³ against Spain following the retrospective reduction of solar energy investors' benefits in 2013) hamper renewable deployment.

To overcome this and accelerate the process, broader social support is essential, which can be garnered through a support regulatory framework and transparent government, but wider participation and shared benefits can be just as important. A recent project aiming to find new ways of addressing offshore wind conflict in the Baltic sea showed that one of the most popular conflict solutions to offshore wind deployment is collaboratively developed community benefits and community owned offshore projects. Moreover, the project findings revealed that community benefit models are most effective when developers, communities, and government authorities work together to come to a shared understanding of the definitions of community, benefits, and impacts, as well as how these components relate to each other.

3.1. Governments need to introduce local ownership ambitions (e.g. local ownership quotas) and establish financial mechanisms to empower local residents, businesses, and communities to become project shareholders.



¹² <https://www.osw.waw.pl/en/publikacje/analyses/2013-02-27/a-solar-scandal-czech-republic-and-its-implications>

¹³ <https://the-arbitration-brief.com/2023/02/15/spains-renewable-energy-disputes-renewable-energy-needs-reliable-arbitration/#:~:text=Spain%20faced%20fifty%20claims%2C%20totaling,allocation%20of%20costs%20and%20risk.>

4

Local staffing and restructuring legal procedures

Accelerating the deployment of renewables cannot be done without an adequate number of sufficiently trained experts overseeing the administration of projects. This barrier has been highlighted in a number of studies, but it is crucial that capacity increases and attempts to streamline procedures do not emerge to the detriment of local staffing needs. That is, centralisation may hold appeal, but cannot incorporate local complexities upon which those “on the ground” can reflect and to which they are able to respond. Some have taken measures, such as Slovakia’s plan to establish Regional Centers of Sustainable Energy, but this is rather the exception as opposed to the rule. Those working within these endeavours also need to communicate with one-another allowing for a dynamic exchange of knowledge and collaboration. Furthermore, community outreach by developers may have improved, but legal issues may nonetheless emerge. It is vital that governments allocate dedicated capacities that deal with renewable energy-related legal issues to ensure quick and dedicated responses to complaints.



- 4.1. *National authorities need to take stock of local authorities’ capacities – considering the specific context and needs of regional and local governments and working closely with them – and consult project developers on how this relates to actual needs. This can be the basis of an employment strategy and its implementation should be revisited on a yearly basis.*
- 4.2. *Authorities should set staffing targets based on industry needs and in line with the planned renewable energy generation capacities. Subsequently, they should report on how regional capacities are met.*
- 4.3. *Establish (or grow) capacities allocated to renewable energy-related legal cases.*

5

Using Geographic Information System (GIS)

Member states are still not using a Geographic Information System (GIS) to develop renewable energy plans (e.g. National Energy and Climate Plans) and do not offer support for project developers to scope locations suitable for renewable energy projects. Endeavours, such as the Joint Research Centre's (JRC) Energy and Industry Geography Lab¹⁴ or IBAT¹⁵, are a step in providing developers with input, but governments and authorities do not necessarily have the skills to use such tools.

- 5.1. *Ensure human capacity with the skills necessary to utilise GIS.*
- 5.2. *Integrate GIS into planning processes and ensure public access to continuously updated online GIS tools that track larger project proposals.*



¹⁴ https://joint-research-centre.ec.europa.eu/scientific-tools-databases/energy-and-industry-geography-lab_en.

¹⁵ <https://www.ibat-alliance.org/the-data?locale=en>.

6

Considering the impact of renewable energy ‘acceleration’ areas

Designating ‘acceleration’ areas¹⁶ provides developers information on where they are likely to be able to execute successful projects by providing them with ‘strategic environmental assessments’ (SEA) and ‘appropriate assessments’ (AAs)¹⁷. These, however, provide limited detail on smaller areas leading project developers to nonetheless carry out EIAs in many cases. This adds, as opposed to taking away, from the overall administrative burden.



The effects of ‘acceleration’ areas are also not straightforward. Identified areas may be suitable from an environmental standpoint, but less appealing in terms of irradiance, grid access, and nearby energy demand. Moreover, identifying ‘acceleration’ areas can hamper projects in other areas that could offer suitable locations. Even worse, by highlighting ‘acceleration’ areas developers may assume that others are off limits (and authorities may read these as such), ultimately slowing the pace of renewable diffusion¹⁸. There is a shift in thinking about ‘no-go’ areas (e.g. Natura 2000 sites), as even some environmental NGOs – in addition to renewable advocacy groups¹⁹ – suggest that it could be permissible to deploy renewables in such areas were a careful environmental impact assessment (EIA) carried out.

- 6.1. *Identification of the criteria and variables that will be used to plan and designate acceleration areas should be done in collaboration with stakeholders, including NGOs.*
- 6.2. *Identify and regularly update ‘acceleration areas’ and ‘no-go’ zones based on consultations. Authorities should see this as an iterative, dynamic process during which they regularly re-evaluate designations and their impact on a number of variables (e.g. biodiversity) in collaboration with locals, NGOs, project developers, and other stakeholders.*
- 6.3. *Authorities should supersede the acceleration/no-go binary and aim to expand land dedication, while establishing how ‘preferred’ some areas are in contrast to others.*

¹⁶ https://joint-research-centre.ec.europa.eu/scientific-tools-databases/energy-and-industry-geography-lab/acceleration-areas-renewables_en.

¹⁷ https://wwfeu.awsassets.panda.org/downloads/repowereu_position_paper_v3.pdf.

¹⁸ https://api.solarpowereurope.org/uploads/Position_paper_Permitting_FINAL_1_711ada9642.pdf?updated_at=2022-07-27T12:34:57.105Z.

¹⁹ See e.g. <https://windeurope.org/wp-content/uploads/files/policy/position-papers/20220517-WindEurope-position-paper-Wind-industry-permitting-recommendations.pdf> or https://api.solarpowereurope.org/uploads/Position_paper_Permitting_FINAL_1_711ada9642.pdf?updated_at=2022-07-27T12:34:57.105Z.

7

Brown vs. greenfield development

Closely related to ‘acceleration’ areas are the ambitions to support brownfield investments²⁰, which offer ample space to support the acceleration of renewable deployment.

There is a need for the continued incentivization of brownfield over greenfield developments – these can be financial in nature.

- 7.1. *Conduct an assessment of legal, practical or financial barriers for brownfield projects and develop measures to overcome them.*
- 7.2. *Track the ratio of brownfield to greenfield developments. The scale should be skewed towards brownfield and long-term government objectives should reflect this, but companies can be incentivised (e.g. via feed-in premium system) or their portfolios can also be rewarded.*



²⁰ Definitions as to what constitute brown and greenfield vary, but this report by-and-large refers to brownfield as land that had been or are subject to commercial or industrial use, entailing that it would have to be subject to further development before used to host renewable energy.

8

Biodiversity: exploiting synergies and focusing on the big picture

EU policy and action should reflect ambitions to improve biodiversity. The EU's 'Biodiversity Strategy for 2030: Bringing nature back into our lives'²¹ followed by further measures, such as corporate sustainability reporting²² have included action in support of biodiversity to the EU's policy toolkit, but this needs to be implemented and fine-tuned.

Actions in support of increasing biodiversity should be the norm, but to get there, governments could offer compensation for such projects – that enhance biodiversity or meet specific biodiversity-related requirements. This is already happening in some cases (e.g. Germany).

Moreover, synergies between formerly bifurcated sectors, such as energy and agriculture²³, need to be better exploited. There is also a need for systemic thinking about how biodiversity can be increased through projects and policies.



- 8.1. *Develop a clear strategy (with targets where available) for solar photovoltaic installations on agricultural areas, to identify where their presence may be beneficial or harmful for biodiversity and agricultural production.*
- 8.2. *Assess, follow, analyse, and publish the biodiversity impact of projects before, during, and after their completion.*
- 8.3. *Develop guidance on what form of biodiversity ambitions should be set in specific areas or with regard to certain species. In some cases population-based approaches suffice, but in others balances may be more delicate and require that each specimen's survival be ensured.*
- 8.4. *Best practices and guidelines should be developed to help developers increase biodiversity.*
- 8.5. *Develop compensation criteria. That is, there should be clear guidelines and timelines for companies on how to compensate for the biodiversity loss that their projects inflicted.*

²¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52020DC0380>.

²² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022L2464>.

²³ https://api.solarpowereurope.org/uploads/4222_SPE_Biodiversity_report_07_mr_09172d7230.pdf and <https://www.solarpowereurope.org/insights/thematic-reports/agrisolar-best-practice-guidelines-version-2-2>.

9

Digitalisation of permitting process

Numerous position papers²⁴, public consultations²⁵, and studies²⁶ focused on the barriers to renewable energy deployment have underscored the importance of digitalisation throughout the permitting process. Authorities still need to make progress in this regard, but this should be done hand-in-hand with project developers and other stakeholders to ensure user-friendly and dedicated platforms that accelerate permitting.

- 9.1. Authorities should aim to reach full-digitalisation of permitting processes and measure and publish their progress on a yearly basis.
- 9.2. Develop a platform where users of digital infrastructure can offer feedback to help improve processes.



24 See e.g. <https://eeb.org/wp-content/uploads/2022/05/Top-10-problems-for-renewable-energy-in-Europe.pdf> or <https://windeurope.org/wp-content/uploads/files/policy/position-papers/20220517-WindEurope-position-paper-Wind-industry-permitting-recommendations.pdf>.

25 https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13334-Renewable-energy-projects-permit-granting-processes-power-purchase-agreements_en.

26 https://www.eclareon.com/sites/default/files/res_policy_monitoring_database_final_report_01.pdf.

10

Revisiting minimum distances for wind projects

Regulators need to revisit the mandatory minimum distances (or separation distances) between wind turbines and residential areas. This approach has typically taken one of two forms: based on the height of turbines (e.g. Scotland, Poland, the German state of Bavaria) or an outright figure.



Height-based regulations have been shown to impede wind power diffusion²⁷ and, even if some projects are undertaken, these may not be economically optimal²⁸. WindEurope – the wind energy advocacy association – has suggested that setting the minimum distance at 500 meters is the best practice or countries that have already applied smaller distances successfully should continue to apply these²⁹. The relation between minimum distances and their social and environment impacts is not always clear, however. In some cases, further minimum distances may not only impede the diffusion of wind power (e.g. Hungary³⁰), but also lead to environmental harm by pushing projects further into areas that are uninhabited or used by humans³¹.

10.1. Revisit mandatory minimum distances for wind power and delineate those in light of recent experiences, European best practices, and local particularities.

Interviews and input

- Policy Officer, Environmental NGO, 25.08.2023.
- Policy Advisor, Renewable Energy Industry Association, 21.08.2023.
- Policy Advisor, Environmental Advocacy Group, 03.08.2023.
- Strategic Communications Manager, Renewable Energy Industry Association, 31.07.2023.
- Director, Environmental Organisation, 21.07.2023.
- Programme Officer 1, Environmental Research Organisation and Consultancy, 20.07.2023.
- Programme Officer 2, Environmental Research Organisation and Consultancy, 20.07.2023.
- Senior Expert, Energy Community NGO, 16.07.2023.
- CAN Europe RES Working Group workshop attended by members, 04.09.2023.

²⁷ <https://windeurope.org/newsroom/press-releases/only-a-setback-distance-of-500-metres-will-support-onshore-wind-in-poland/>.

²⁸ https://www.diw.de/de/diw_01.c.832975.de/publikationen/diskussionspapiere/2021_1989/way_off_the_effect_of_minimum_distance_regulation_on_the_deployment_and_cost_of_wind_power.html.

²⁹ <https://windeurope.org/wp-content/uploads/files/policy/position-papers/20220517-WindEurope-position-paper-Wind-industry-permitting-recommendations.pdf>.

³⁰ <https://www.sciencedirect.com/science/article/pii/S2210422418300029>.

³¹ <https://www.sciencedirect.com/science/article/abs/pii/S0301421520301841>.