



BRIEFING

Renewable Energy Planning and Mapping for Successful Acceleration with Nature and Communities at Its Heart: Guiding Principles for Member States

Climate Action Network (CAN) Europe is Europe's leading NGO coalition fighting dangerous climate change. With over 185 member organisations active in 38 European countries, representing over 1,700 NGOs and more than 40 million citizens, CAN Europe promotes sustainable climate, energy and development policies throughout Europe.

Introduction

To achieve net zero emissions and meet the climate and biodiversity targets, EU Member States must decisively end fossil fuel use, strongly reduce energy consumption, and shift to a fully renewable energy system by 2040 by multiplying solar and wind capacities coupled with the necessary infrastructure.

Robust spatial planning and mapping are instrumental to successfully accelerating the deployment of renewable energy at the necessary speed and scale, ensuring that this expansion is sustainable, efficient, and inclusive of community interests. Spatial planning and mapping are key in optimising renewable energy potential and streamlining infrastructure planning. When done properly, they significantly contribute to minimising biodiversity impacts, enhance public engagement and synergies with nature restoration. Such planning and mapping offer clear clarity and guidance on renewable energy project locations for the broader public and developers, promoting cautious use of land, seas, and natural resources.

The revised Renewable Energy Directive (RED III)¹, entered into force on 20th November 2023, stipulates Member States to support the faster deployment of renewable energy projects by carrying out a coordinated mapping for the deployment of renewable energy and related infrastructure **by 21 May 2025**, and designate as a subset of mapped areas as renewables acceleration areas by **21 February 2026**.

As CAN Europe, we strongly believe that the success of spatial planning and mapping exercise relies on several essential criteria that Member states must consider:

¹ Directive (EU) 2023/2413 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023L2413&qid=1699364355105>

1. Mapping Renewable Energy Areas for EU 2030 Targets and in support of a 100% renewables-based energy system by 2040
2. Holistic Approach for Balanced, Nature-Friendly, Just, and Synergetic Renewable Energy Expansion
3. Strategic Planning Integrating Energy and Biodiversity Targets
4. A shared and coordinated mission for public sector with engagement of stakeholders, underscored by clear, proactive communication
5. Inclusive, early, and meaningful public participation and local community engagement
6. Transparency and accessible, public, and practical information
7. Harmonised legal frameworks and forward-looking approach to spatial planning
8. Review and update

1. Mapping renewable energy areas to meet the EU 2030 Target, achieve climate neutrality and 100% renewable energy system by 2040

Member States are obliged to identify necessary areas for renewable energy plants and infrastructure, ensuring they at least meet their contribution to the EU's 2030 renewable energy target² which is set at a minimum of 42.5% with an aim to reach 45% by 2030. Simultaneously, this strategic planning must also take into account the longer-term objective of achieving climate neutrality by 2050 at the latest³, and by 2040 in line with the Paris agreement, increasing the share of renewable energy to 100% and transitioning to a fully efficient and renewable energy system.⁴

2. Holistic approach for a balanced, just, efficient, nature-friendly, and synergetic expansion of renewable energy

In determining areas for renewable energy expansion, it is imperative to have a holistic, multifaceted, and an integrated approach encompassing several essential elements, in line with the requirements of the RED III:

- a. **Energy modelling** to assess the availability of energy from renewable sources and evaluate the potential for renewable energy generation using different technologies (primarily solar and wind) on land and sea areas. Energy modelling should also analyse the projected energy demand, considering both system efficiency and sufficiency, as well as energy system integration and electrification needs of different sectors such as buildings (heat pumps) and transport (electric vehicles). Member States should make significant additional extra efforts to make such models available for inspection in an easily accessible, interactive format, so that different options and scenarios, and their consequences, can be explored and understood.

² Directive (EU) 2023/2413

³ Regulation (EU) 2021/1119

⁴ Paris Agreement Compatible Energy Scenario (PAC) <https://www.pac-scenarios.eu/pac-scenario/how-a-europe-on-track-of-meeting-the-15c-would-look-like.html>

- b. **Availability of energy infrastructure** including grids, storage and other flexibility tools and demand response, to support and maximise the integration of growing solar and wind energy while concurrently determining the need for modernisation or infrastructure expansion in cooperation with DSOs and TSOs, and with forward-looking planning that consider areas with low environmental impacts together with resource availability.
- c. **Environmental sensitivity** by identifying sensitive habitats based on technology-specific wildlife sensitivity mapping where spatial scientific biodiversity data, Geographic Information Systems (GIS) and advanced wildlife sensitivity assessment methods are integrated.⁵ A nature-harmonious expansion of renewable energy requires a thorough understanding of species and habitats potentially affected, in cooperation with conservation NGOs and scientific community, and based on up-to-date scientific data while ensuring compliance with EU and national environmental standards and rules (see annex 1 for further details). It involves comprehensive environmental assessments, careful consideration of site sensitivities, and the implementation of measures to mitigate any negative environmental impacts.
- d. **Social justice:** In planning and mapping exercises, it is crucial to include social justice considerations by identifying areas where certain conflicts with the local communities could arise. This can be especially relevant with land and land use rights of local populations, such as, those related to private property, cultural or heritage rights, access to natural resources such as freshwater resources and ecosystem services. In areas where renewable energy projects may affect these rights, deriving either from national constitutions or the European Convention on Human Rights, the environmental sensitivity assessments should also consider the potential impacts on traditional and agro-ecological land stewardship practices. Adequate, effective and timely public consultation is instrumental to include the local community in decision-making and prevent any potential delays, legal uncertainty and costs.
- e. **Leveraging the potential of multi-use spaces:** Such as agrivoltaics, multi-use fosters synergies between renewable energy production and other land or sea uses. It optimises the dual functionality of areas, combining energy generation with agriculture or conservation, for instance, to maximise space efficiency and environmental benefits.

3. Strategic and integrated planning for both energy and biodiversity targets

The Nature Restoration Law (NRL)⁶ sets targets for restoring ecosystems and habitats across the EU's land and sea areas, aiming to cover at least 20% of these areas by 2030 and all ecosystems in need by 2050. Member States are expected to submit National Restoration Plans to the European Commission within two years of the Regulation coming into force, detailing how the Member States intend to deliver on the targets set by the NRL. Respective planning exercises both under NRL and RED III should be done in coordination

⁵ Wildlife Sensitivity Mapping Manual 2020 <https://op.europa.eu/en/publication-detail/-/publication/a3f185b8-0c30-11eb-bc07-01aa75ed71a1/language-en>

⁶ Provisional agreement resulting from interinstitutional negotiations on the proposed nature restoration regulation: https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/ENVI/DV/2023/11-29/Provisionalagreement-NatureRestorationRegulation_EN.pdf

to maximise synergies and co-benefits. The outcomes of Member States' mapping under Nature Restoration Regulation⁷ should be coordinated with and reflected in Member States' mapping under the RED III.

Moreover, Member States are expected to significantly increase the designations of protected areas included in the Natura 2000 network in line with the ongoing “pledge and review” biogeographical process under the EU Biodiversity Strategy. It is thus necessary for Member States to coordinate the process of designating new protected areas with renewables planning and mapping. Simultaneously, coordination should also extend to the existing Natura 2000 network, given that many protected areas under it contain no management plans or conservation objectives, meaning that Member States have no clarity of what types of activities are needed (or need to be avoided) in order for the areas to be effectively conserved

4. A shared and coordinated ownership and mission for public sector with engagement of stakeholders, underscored by clear, proactive communication

Public sector, including national ministries (Environment, Energy, Agriculture, Fisheries), national-regional-municipal authorities and governments, must have a shared, coordinated mission in spatial planning processes. It requires strong collaboration and explicit ownership with a well-defined division of tasks among all involved authorities to overcome the challenge of being “everyone's and no one's” responsibility. Thus, it must be underpinned by an effective and clear division of tasks, and resources. This is particularly crucial in key areas such as staff capacity, financial resource management, and efficient data collection to ensure a streamlined and effective process. Stakeholder collaboration and engagement, including NGOs along with renewable energy developers and network operators should be ensured in a structured way (exp. dedicated task force or working group), especially when identifying the criteria and variables such as renewable energy potential, proximity to the load centre, existing transmission network capacity, biodiversity sensitivity, and social aspects. Additionally, it is crucial for governments to deliver clear signals to the public about the commitment to renewables along with the plans, and articulate the benefits thereof. This shared and coordinated mission must be effectively communicated to the wider public, ensuring that the positive impacts are understood and embraced by all segments of society.

5. Inclusive, early, and meaningful public⁸ participation and local community engagement

Public participation plays a crucial role in fostering support for renewable energy transition and reducing the risk of errors and delays further down the line though legal challenges and litigation. Effective public participation and community engagement in planning and mapping must be more than “box-ticking”. This means ensuring early, detailed public information and genuine opportunities for public input on plans and

⁷ Articles 11(2)(a) and 11(4)

⁸ The “public” means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organisations or groups; 5. “The public concerned” means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest. (Aarhus Convention) <https://unece.org/DAM/env/pp/documents/cep43e.pdf>

environmental reports, as required by the SEA Directives, Aarhus convention⁹, and in line with Article 15d of the RED (See Annex 2 detailing the steps for Member States to plan the public consultations in an early and effective manner).

While the mapping and designation of renewable acceleration areas exercise span the entire territory of a Member State, public participation becomes particularly important especially at local level as there may not be a project specific EIA in acceleration areas (for exp. in brownfields) thus taking away the opportunity for local communities to be consulted on the project in their neighbourhood during the permitting stage.

Moreover, Member States should also incorporate community ownership considerations in mapping and planning exercise, and work collaboratively with local actors such as local governments and renewable energy communities. Public engagement, community benefit sharing and inclusion of community-led renewable initiatives should also constitute special criteria in renewable capacity auctions that mirror their values to society.

6. Transparency and accessible, public, and practical information

The data and information including renewable energy potential, current land use, projected energy demand, sensitive environmental and social areas, and existing grid infrastructure and its capacity should be made publicly available in a digitalised and user-friendly format. The information should be available in an interactive, web-based format that is user-friendly, offering updates on potential sites, project progress, and installed capacity, including details on available incentives.

7. Harmonised legal frameworks and forward-looking approach to spatial planning for efficient land use

Minimum necessary space for renewable energy projects within existing regional spatial planning laws should be defined and protected by legislation, while abolishing unreasonable regulations on general minimum distances. These rules rather intensify conflicts instead of avoiding them. In some cases, further minimum distances may not only impede the diffusion of renewable energy (e.g. wind power in Hungary and Poland), but also lead to increased environmental impacts by pushing projects further into rural and natural areas.¹⁰ The planning and mapping exercise should also explore solutions to relax or lift certain restrictions, such as those related to wind distance rules and radar installation for civil aviation and military interests, and making more low environmental impact and low social conflict land available for renewable energy projects.¹¹

⁹ Article 6 and 7 of Aarhus Convention (see ACCC - ACCC/C/2013/98 paras. 94-96).

¹⁰ Fairer and faster permitting for a successful European renewable energy transition, CAN Europe, October 2023, https://caneurope.org/content/uploads/2023/10/Fairer-and-Faster-permitting_CAN-Europe-Briefing.pdf

¹¹ According to a recently study from the Joint Research Centre (JRC), the PV total installed capacity in rooftops, reservoirs and roads could exceed 1 TWp, which is far larger than the total PV capacity for 2030 in the EU Solar Energy Strategy (720 GWp) and

8. Review and update

Member States should periodically review and update their spatial planning and mapping, with the latest available data, and this should be done in a dynamic, progressive, and forward-looking manner. This ongoing process can ensure the effective identification and implementation of areas suitable for renewable energy development, aligning with evolving scientific knowledge, technological advancements, environmental considerations, and local community needs.

Insights from Member States

Mandatory Environmental Sensitivity Zoning in Spain, yet not integrated to spatial planning

In Spain, the zoning of environmental sensitivity is mandatory due to article 2 of Law 21/2013 of December for environmental assessment. Spain conducted an environmental sensitivity mapping for wind and PV energy for onshore installations. National conservation group SEO/BirdLife has published its own sensitivity maps, also for onshore wind and PV and is preparing offshore maps to include not only protected areas but also bird species' presence and distribution. In SEO/BirdLife' sensitivity maps were delimited blank areas with no environmental impact, and a gradient of reds for low, moderate and high environmental impact.

Spain's official sensitivity maps include Important Bird Areas, Biosphere Reserves, distribution of priority habitats of community importance, wildlife corridors and areas of importance for endangered species recovery plans, amongst the categories of sensitivity to be considered by Member States. These sensitivity categories depend for their usefulness on the quality of the information on species and habitat distribution, and sensitivity, and the degree of progress in approving species recovery plans, for example. Although Spain's NGOs have several criticisms of the official maps, these are good examples of some of the criteria which all Member States should include.

Nevertheless, it remains unclear how effective these maps have been in influencing spatial planning and siting of renewables projects to minimize their potential impacts on biodiversity. NGO experience indicates that many projects have been approved in or near sensitive areas (including protected areas) with no evidence to suggest that mitigation and compensation measures are being taken or are having a beneficial effect. And the maps do not include exclusion zones, despite the obligation to do so under Spain's Climate Change and Energy Transition Law 2021.

By SEO/Birdlife

would be a significant contribution to the several TWs needed for the overall transition to net-zero by 2050. [Communication on the potential of applied PV in the European Union: Rooftops, reservoirs, roads \(R3\) | EPJ Photovoltaics \(epj-pv.org\)](#)

Spatial Planning in Poland, momentum is building but needs essential instruments to be put in place

The most recent legal act related to spatial planning in Poland is the [Act from 7/07/2023](#) amending the spatial planning and spatial development (and certain other acts). Most of the provisions of this amendment came into force on September 24, 2023. This is the first stage of a long-awaited reform of the planning and zoning system. According to the Ministry of Development and Technology, the purpose of the reform is to increase the flexibility and integrity of the spatial planning system, to prevent the dispersion of buildings development into agricultural, forest and naturally valuable areas, to facilitate investment in already developed areas, to digitalize spatial planning data and to make public consultations more transparent. The reform introduces new concepts, such as a "Simplified Procedure" for photovoltaic installations only (it does not apply to wind power investments) or "Integrated Investment Plans," which will allow the investor to take part in shaping spatial development plans.

When it comes to the renewable energy sources, the reform stipulates that RES installations located outside of buildings will be allowed to be built if the condition is fulfilled of adopting a local spatial development plan on:

- agricultural land / farmland of class I-III and forest land,
- agricultural land / farmland of class IV, with an installed electrical power of more than 150 kW or used for business activities in the field of electricity generation,
- lands other than those indicated above, with an installed electrical capacity greater than 1,000 kW.

The reform also introduced a provision that allows the installation of photovoltaic installations on buildings if the LSDP (Local Spatial Development Plan) provides for the possibility of locating buildings in the particular area. Prior to the Local Spatial Development Plan, however, municipalities will have to develop a General Plan as the basis for the development of the LSDP. For now, however, there is a transition period, which will last until the end of 2025. This is also the deadline for municipalities to develop and adopt General Plans.

Reactions to the reform among experts are mixed. Some see it as an improvement, others as hindering. Experts also point to the very short deadlines for developing General Plans, which will be a barrier. Moreover, the sensitivity mappings are still lacking. Only on 23.12.2023 the regulation on the municipality's general plan and documentation of planning work came into force.

<https://e-magazyny.pl/eksperckim-okiem/znowelizowano-ustawe-o-planowaniu-i-zagospodarowaniu-przestrzennym-jakie-korzysci-dla-oze-niosa-zmiany/>
<https://cclaw.com.pl/publikacje/nowe-zasady-planowania-przestrzennego-a-instalacje-oze/>
<https://www.green-news.pl/3920-urbanisci-reforma-planowania-przestrzennego-poznan>
<https://inzynierbudownictwa.pl/plan-ogolny-gminy-rozporzadzenie/>

Based on input Reform Institute

The draft updated spatial plan in Greece shows promise, yet the details remain elusive

The Spatial Planning framework that exists in Greece since 2008 has been insufficient for the acceleration of renewables deployment, biodiversity conservation and has led to objections from citizens. With Greece announcing revised energy and renewables targets for 2030, having legally defined renewables acceleration areas and having adopted 2030 biodiversity conservation and restoration targets, it is significant that all priorities are reflected in the new renewable energy spatial planning.

There are already projects that could contribute effectively to the appropriate planning, as for example the [study](#) of the Society for the Protection of Biodiversity of Thrace, which analyses the impact of renewables in the area of Thrace.

Furthermore, it is very important to ensure that there will be adequate public participation and dialogue among stakeholders (from the energy, nature, spatial planning sectors, etc.) during the revision of the new spatial plan. There have been in the past attempts to create such a space in Greece, initially from the Ministry of Environment and Energy back in late 2017 and more recently through an [online dialogue](#) organized by the Green Tank and the Heinrich Boell Foundation and more recently through the [Wind4bio project](#).

By Green Tank

PART 2

Renewables Acceleration Areas: Getting It Right

When designated and implemented properly, renewables acceleration areas (RAAs) hold significant potential to speed up renewable energy expansion, ensuring investments are made in locations where deployment will be quickest with the least impact on nature while fostering public support, benefits, and engagement.

According to RED III, Member States must adopt one or more plans designating land, sea, and inland water areas, as a subset of overall renewables areas, where the deployment of renewable energy sources is not expected to have a significant environmental impact and where renewable energy projects would undergo simplified and fast permit-granting processes.

Key Principles and Steps for Effective Designation

To effectively designate and utilise RAAs, Member States should follow these key, though not exhaustive, principles and recommendations:

1. Acceleration Areas as part of the overall coordinating mapping exercise for renewables

RAAs should be part of a broader, comprehensive mapping exercise for renewable energy, not a substitute for it. Member States need to conduct overall planning and integrated mapping with the designation of RAAs as a subsequent, yet interconnected process. This would ensure a holistic approach to renewable energy development, where acceleration areas can complement the larger strategic framework.

2. Seizing the Opportunities of Obvious Choices

There is vast and untapped potential for renewable energy development on artificial surfaces¹² such as rooftops, buildings facades, car parks, and on and along transport infrastructure like highways or railway tracks¹³, and brownfields like old quarries, closed mines, or former industrial areas, and landfill sites¹⁴. In addition to the reuse of land, developing brownfields for renewable energy can in many cases offer additional benefits such as proximity to urban areas, more localised energy supply to areas with high energy demand, lower transmission loss and proximity to substations, grid connection and road networks. However, the exemption of EIAs should be assessed case-by-case in the case of brownfields considering the contamination risks and the opportunity for the local communities to be consulted on a project nearby.¹⁵ Existing hydropower reservoirs, excluding reservoirs located in Natura 2000 and other protected areas, can be also considered along with irrigation canals which present an opportunity for acceleration areas, particularly through the integration of solar panels. The concept of installing solar panels over canals, known as "solar canals" has been explored and implemented already in some regions.¹⁶ Countries should assess and fully take into account the potential of distributed renewable energy in urban spaces, rooftop, and existing infrastructure. Auctions can be targeted specifically to encourage new installed capacity in acceleration areas, either higher point scores for projects or auctions specific to the designated acceleration areas.

3. Superseding the “acceleration/no-go” binary

Member states authorities should adopt a more nuanced approach than simply designating areas as de facto “no-go” for renewable energy development. Designating RAAs should not mean that the rest of the local territory is a "no-go" area (except if specifically designated as such during the process). For example, in France, the "Renewable Energy acceleration" law specifies that local authorities may define exclusion zones only if they already have defined an acceleration zone and that a Regional Energy Committee considers

¹² Communication on the potential of applied PV in the European Union: Rooftops, reservoirs, roads (R³), Joint Research Center, February 2024, https://joint-research-centre.ec.europa.eu/jrc-news-and-updates/pv-rooftops-and-beyond-can-surpass-targets-while-preserving-environment-2024-02-14_en

¹³ "Greenrail Solar" <https://solarimpulse.com/solutions-explorer/greenrail>

¹⁴ Briefing on the revision of the Renewable Energy Directive under the REPowerEU Package, CAN Europe, September 2022, https://caneurope.org/content/uploads/2022/10/CANEurope_briefing_REPowerEU220915bis-2.pdf

¹⁵ <https://caneurope.org/briefing-on-red-under-repowereu/>

¹⁶ "First solar canal project is a win for water, energy, air and climate in California", The Conversation, February 2022, <https://theconversation.com/first-solar-canal-project-is-a-win-for-water-energy-air-and-climate-in-california-177433>

that the accumulation of acceleration zones makes it possible to achieve regional objectives. The “acceleration areas” designation should be seen as an iterative, dynamic process to support sustainable and just renewable energy expansion during which authorities regularly re-evaluate designations and their impact on a number of variables (e.g. available infrastructure such as network capacity or storage, biodiversity sensitivity, community ownership) in collaboration with locals, NGOs, project developers, and other stakeholders, and latest scientific knowledge.

4. Robust Strategic Environmental Assessments & Mitigation Measures

For designating RAAs, RED III mandates that Member States should develop one or more plans that not only outline these areas and the applicable rules but also include mitigation measures¹⁷ for projects within these areas. Each plan must undergo a strategic environmental assessment with early and effective public participation and incorporates environmental considerations from the initial stages of the planning process at a strategic level. Furthermore, if these plans are likely to have a significant impact on Natura 2000 sites, they must also be subject to an Appropriate Assessment. The RED III deals with terminology that Member States will need to make much more concrete, especially when exactly the threshold of "significant adverse impacts" is reached which would lead to the requirement to conduct an EIA. Moreover, Member States need to come up with a catalogue of effective, standardised mitigation measures which need to be applied to each RAA individually and which are derived from the protective goods that the SEA takes into consideration. Member States need to establish a transparent, standardised, centralised database for monitoring ecosystems and wildlife. It should at least be a national database, ideally, an EU-wide database. The more bureaucracy shall be cut and the more EIAs shall be reduced, the more important it is to have up-to-date data available.

5. Transparency, multi-level governance, and stakeholder engagement

Member states should ensure methodology and designation process to be transparent and accessible to all stakeholders to foster trust, efficiency, and support. Methodology, with criteria for determining RAAs, and outlining further processes, should be created in a joint collaboration of all the relevant stakeholders, especially including the representatives from relevant ministries, municipalities, business, NGOs. For RAAs to be credible, transparency, involvement and participation need to improve greatly, e.g. through interactive web-based, accessible and updated tools and trackers to show potential sites, progress with projects and overall installed capacity, including available incentives (grants, tax breaks, etc). Effective stakeholder engagement means engaging key stakeholders such as civil society organisations and environmental groups, renewable energy developers, network system operators, relevant government authorities, local governments throughout all steps to ensure all perspectives are considered. The process

¹⁷ Regarding mitigation measures, such cannot be used in determining the likelihood of significant impacts, and hence the need for an appropriate assessment during the screening procedure under Article 6.3 of the Habitats Directive. This is confirmed by the Court in its ruling in case C- 323/17 where the Court said that ‘in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site’. Such measures can only be considered during the appropriate assessment. The use of term mitigation measures under Art 15c(2) of the RED III arises, thus, as particularly puzzling and would need further guidance from the European Commission. Moreover, mitigation measures should also not be confused with compensation measures. Specifically, measures which are not functionally part of the project, such as habitat improvement and restoration (even if contributing to a net increase of the habitat area within the affected site) or creation and improvement of breeding or resting places for the species, should not be considered as mitigation as they do not reduce negative impact of the project as such. This type of measures, if they are outside the normal practice required for the conservation of the site, meet rather the criteria for compensatory measures.

needs to be inclusive, with a clear plan what to do with the results. Local and regional stakeholders, in particular local and regional authorities are ideally placed to identify the most appropriate options for their specific context and can prioritise the low hanging areas first and gradually extend the installation to the ones with more compromises. In some regions unutilised reservoirs, in some other roads in industrial areas or large roofs could be the starting points for deployment and, if extended further, can be proven effective in reaching the necessary contribution of RAAs to the overall renewables objectives. Important to note, stakeholder involvement in acceleration area designation needs to go beyond the designation process and should be continuous, as part of the wider multi-level stakeholder dialogues required by the Governance Regulation, and on which so little progress has been made so far by Member States. Stakeholder involvement does not replace public participation, which should be organised in line with the SEA Directive and the Aarhus Convention.

6. Public participation

Given that the designation process of RAAs may be the only opportunity for the public to express their opinion (in the absence of EIA at the permitting stage), meaningful participation of the public, including environmental NGOs, will significantly reduce risks of legal challenges, increase public awareness and support of renewable energy transition. It is imperative that the process not only actively involves but also clearly communicates to the public their essential role in shaping the renewable energy mapping and planning. By demystifying the procedural aspects and reinforcing the public's rights within this framework, Member States can cultivate a more informed, engaged, and cooperative environment.

7. Technology specific designation to support and not impede the expansion

Offshore wind development necessitates robust maritime spatial planning, combined with vulnerability mapping, strategic environmental assessment and appropriate assessments. Each project must undergo a thorough EIA due to its unique nature. Furthermore, big gaps in knowledge about the environmental impacts and benefits still need to be bridged, especially on cumulative impacts. Therefore, designating acceleration areas for offshore wind energy (and waving environmental impact assessment) is not advisable. Furthermore, in countries that have in place auctioning schemes that overwhelmingly focus on the price (i.e. money paid for an area to build wind turbines) and that do not include qualitative criteria, RAAs for offshore wind turbines could lead to large areas of the exclusive economic zones being exempt from an EIA without having in place qualitative requirements for environmental improvements as usually determined by the auctioning system. Designating such RAAs without EIA for offshore wind could potentially lead to a lose-lose situation in countries with marine spatial plans hindering the accelerated roll-out: by adding one more area category and consequently, on the one hand, decreasing the developers planning security and, on the other hand, missing the chance to collect needed data with the EIA's monitoring.

8. Local ownership and community benefit sharing

Local ownership can advance energy democracy and local ownership in acceleration areas ensuring that the environmental and economic benefits of renewable energy projects are shared within the local community. In RAAs, priority can be given to projects owned by the community, or a mandate of a certain percentage of community ownership could be implemented through legislative measures in national and regional spatial planning regulations, or through renewable energy targets specifically set for community projects.

Insights from Member States

A Collaborative Model for Stakeholder Engagement in Slovakia

Wind acceleration in Slovakia needs, among other things, streamlined permitting processes. Processes need to be improved while reflecting needs and interests of nature and communities. This is supported by a fairly well designed reform in the REPower chapter of National Resilience and Recovery Plan (NRRP). The reform clearly demands that the methodology, outlining criteria for wind acceleration, is designed in a process that engages relevant stakeholders. If the reform is implemented well, Slovakia could start meeting some of its obligations concerning renewables deployment and perhaps even be a trend-setter when it comes to early stakeholder involvement.

The National Implementation and Coordination Authority, responsible for the NRRP implementation, has set up a working group. This group, consisting of representatives of government, municipalities, business, NGOs, is designed to draft a methodology with acceleration criteria and thus prevent future conflicts. Important conditions for the success of this group and the reform include professional facilitation, clear ownership of the outcome (methodology for wind acceleration) by the Ministry of Environment, transparency and mutual trust/respect among members of this group.

Risk factors include the inconsistent (even regressive) development in environmental legislation. Even if the reform concerning wind acceleration is successful and working group delivers methodology, it will need to be included in a regulatory framework and it will deliver results only if that broader regulatory framework works well. This concerns particularly laws on spatial planning, EIA and environmental permitting.

By Slovak Climate Coalition

Seizing the opportunities of rooftops with a “solar standard” in Germany

A solar standard, or ‘mandate’, requires newly constructed or majorly renovated structures - such as public, private and residential buildings, or even car parks – to incorporate solar energy systems. These mandates demand that a building’s energy needs, at least in part, are fulfilled by solar technologies such as photovoltaic (PV) for electricity and solar thermal for heat. Nine of the 16 federal states in Germany have already introduced some kind of solar standard and it shall be introduced across Germany, according to the government’s coalition treaty. Since 1 May 2022, photovoltaics have been mandatory for new residential buildings in Baden-Württemberg, and from January 2023, it has also applied to all major roof renovations. The mandatory step for new buildings to comply with is certainly the easiest option and seems by far the most logical measure. However, there is a huge potential in existing roofs, which should play a role. It is assumed that a rough estimate of 80 percent of the roof areas that are created are to some extent suitable for solar use. This also applies to roof areas for existing buildings.

More info: Powering up Buildings – Unleashing their energy potential through a EU Solar Standard, July 2023
<https://caneurope.org/eu-solar-standard/> and <https://www.enpal.de/photovoltaik/solarpflicht>

By WWF Germany

‘De facto’ Acceleration areas through “Express Environmental Permitting” in Spain fails to streamline permitting, neglects prosumers and energy communities, and sets a dangerous precedent

The “express environmental permitting” process that has been introduced by the Spanish Government, aimed at streamlining the approval processes to accelerate the deployment of renewable infrastructure, has raised significant concerns regarding its effectiveness and broader implications. This fast-track permitting approach was intended to reduce bureaucratic hurdles, speed up the schedule of permitting and, subsequently, accelerate the country's transition to renewable energy. It has finally showcased the complexities and potential pitfalls of attempting to hasten environmental assessments and remove public participation during the environmental permitting, setting a dangerous precedent that prioritizes rapid development over comprehensive environmental and community considerations.

This mechanism obliges the administration to decide in two months whether the project needs to undergo an usual Environmental Impact Assessment or the project can have the environmental greenlight, just on the basis of the Environmental Impact Study conducted by the developer. The legal mechanism for express environmental permitting in Spain has evolved from a “limited” version to an “unlimited” one. The “limited” permitting, initiated on March 31, 2022, under [Royal Decree-Law 6/2022](#), restricts this expedited procedure to projects situated in areas classified as having low to medium environmental sensitivity, with additional limitations on the capacity of projects—specifically, under 75 MW for wind and 150 MW for photovoltaic installations. This measure, after a modification by the Congress as a response to civil society’s concerns, was restricted only to allowed projects in areas of low environmental sensitivity. Unfortunately, this modification did not restore public participation in the environmental assessment process.

In a subsequent and more controversial move, on December 29, 2022, the Spanish Government expanded the scope of express environmental permitting significantly under Royal Decree-Law 20/2022. To address the ongoing energy price crisis caused by fossil gas, the government declared virtually the entire territory of Spain, with the notable exceptions of Natura 2000 and other protected areas and maritime zones, as a de facto acceleration area for renewable energy projects without the previous Strategic Environment Assessment.

This “unlimited” approach removes capacity restrictions on the size of the facilities that can benefit from the fast-track process. This extensive application of express permitting raises profound questions about the long-term environmental implications and the public engagement in the planning and approval of renewable energy projects. In addition, this approach does not address other possible reasons for delays in the wider permitting process: lack of staff in the regulatory authorities; lack of coordination between the different levels and competencies of regulatory authorities; lack of adequate information presented by developers; lack of clarity on availability of electricity grid connections; an excess of purely speculative project proposals presented in the hope of securing a grid connection that can then be resold; or the irresponsible tactics of large electricity distribution companies in delaying the activation of installations planned by renewable energy communities and prosumer citizens or businesses, with delays of up to 2 years compared to a legal deadline of 2 months (see [report](#) from Spain’s Prosumer Alliance).

Furthermore, a recent [Greenpeace Spain study](#) has demonstrated that very little acceleration has been achieved with this “express permitting” procedure. It has mainly benefited just a few certain companies instead of the sector in general and has fuelled social rejection. These results are very far from the initial intention of the regulation and call for alternatives to streamline be found for an urgent, just and sustainable transition.

By Greenpeace Spain and SEO/Birdlife

Local authorities at the heart in France, yet the right human and financial means still missing to carry out the task adequately

In France, the “Renewable Energy Acceleration” law puts local authorities (mayors) at the heart of the planning process. However, the law doesn’t include any provisions regarding the funding of territorial engineering, which is paramount to carry out these new tasks. It is not enough to define RAAs based on spatial mapping: local authorities need to be able to set up a local engineering consortium combining expertise and concertation capabilities. To put it another way, it is essentially a matter of human resources for the process to succeed. It also has to be noted that it is not mandatory for local authorities to define RAAs. This disposition is counterproductive because some local authorities will not implement the measure, often because of a lack of political will. However, if an obligation enters into force, the right means (human, financial) to implement the measure will have to be allocated to local authorities.

Involving the public while defining RAAs is instrumental, but it needs the right methods and means to do so. Indeed, without the means given to public authorities to carry out public consultation, opposition to renewable energies will continue to rise, while developers (deploying a lot of resources) are already facing increasingly organised oppositions. Several participative tools already exist in France in order to collectively work around the local energy planification and to take energy democracy more into account during the process: [Destination TEPOS](#) (a method for raising awareness and helping local authorities and players to grasp the challenges of the energy transition, with a view to building local energy action plans) and [ETAPE paysage](#) (a tool to help spatializing energy actions by building a landscape approach).

By Le CLER

Implementation of accelerated and streamlined environmental assessments in designated areas for onshore wind energy in Germany

In 2022, the German government has legislated that two percent of Germany's total area shall be designated for onshore wind energy in a bid to speed up deployment, establish a reliable horizon for investments and reach the country's target of 80 percent renewable electricity by 2030. Each Federal State has been assigned an intermediate spatial target for 2027 as well as the final spatial target for 2032. Many federal states like Hessen, Bavaria, Schleswig-Holstein already designated wind-priority areas (Windvorrangflächen) partially in their Regional Spatial Plans (Teilregionalpläne), whereas Lower Saxony organises the designation decentralised on the municipal level.

In Germany, designating areas for the generation of electricity from onshore wind energy can mainly take place through two pathways, depending on the specific Federal State and its local regulation: either the Federal Building Code or Regional Spatial Planning applies. The main areas that can be used to deploy onshore wind energy are "priority areas" (Vorranggebiet) which generally exclude other forms of use if they are incompatible with the main function of the area (i.e. electricity production from wind turbines), "areas under reserve" (Vorbehaltsgebiet) which do not necessarily exclude other forms of use, and "suitable areas" (Eignungsgebiet) which aim at concentrating a specific type of use while generally excluding it elsewhere²². The regulations of §6 WindBG apply in areas that have undergone a Strategic Environmental Assessment (SEA) which is the case for spatial plans that have been approved after the 20th July 2006. The paragraph does not apply in Natura 2000 areas, national parks and nature reserves.

In all designated areas in which the above-mentioned preconditions apply, the project specific Environmental Impact Assessment (EIA) as well as the species assessment will be replaced by a modified assessment in ongoing permitting procedures as well as in new permitting procedures while the emergency regulation is still in place. The developers may request to conduct a voluntary EIA if they do not switch to the permitting procedure in accordance with §6 WindBG provided that the permitting procedure was initiated prior to its coming into force. If neither an EIA nor a species assessment is conducted, the authority needs to assess whether there is reliable data available for protected species. This database must be sufficiently precise from a spatial viewpoint and must not be older than five years. If the database is not available or unsuitable, the authority cannot request the developer to implement mitigation measures with the exception for measures aiming at minimising the collision of bats with wind turbines.

The authority must then request the developer to pay 3000€/MW into the Federal Fund for Species Protection which is administered by the German Ministry for the Environment. The payments are carried out on a yearly basis across the entire period of operation and are entrusted for the specific purpose of protecting and improving the state of the population of the affected type of species. However, if suitable data is available, the authority needs to assess whether the project is anticipated to conflict with legislation on especially protected species (§44 Environmental Protection Act; BNatschG). The developer is then requested to apply suitable and proportionate mitigation measures which have been precisely defined in the German Environmental Protection Act.

By WWF Germany

See the full case study: https://caneurope.org/content/uploads/2023/10/Fairer-and-Faster-permitting_CAN-Europe-Briefing.pdf

A Framework: Common Methodological Key Steps

Although the situation varies across Member States, a common methodological approach, a framework, can guide Member States in the selection and designation of necessary and suitable areas for renewable energy and infrastructure development, and RAAs, to ensure speed, consistency, efficiency, and fairness in the process. Based on the following six steps¹⁸, Member States should further elaborate a detailed methodology and technology-specific criteria in collaborative effort with stakeholders including civil society organisations and environmental NGOs, scientific community, renewable energy developers, regional and local government representatives, network operators, relevant government bodies, tourism and cultural heritage sector representatives. The methodology should be designed to be flexible, allowing for adjustments based on new information and evolving circumstances, to maintain its effectiveness and relevance over time.

Implementing such a detailed and multi-step process will require resources and Member States should thoroughly plan for its timely execution. Additionally, the success of these steps heavily relies on effective stakeholder collaboration and the availability of accurate data for planning and analysis, which could pose challenges in certain contexts and Member States should ensure proactive measures to mitigate these challenges. This includes establishing clear guidelines for resource allocation and setting realistic timelines for each phase of the process. Engaging stakeholders from the outset and maintaining open channels for communication and feedback can facilitate smoother implementation. Furthermore, investing in robust data collection and management systems will be crucial to inform decision making and adapt strategies as needed.

STEP	Action	Details
Step 1	Timeline, Assessments, & Preparations	<p>Determine a timeframe for the acceleration area designation process and associated Strategic Environmental Assessment, including proposals for awareness-raising, public participation and community involvement in the later steps, and for input from relevant civil society representatives, the renewables sector, other relevant economic sectors, academic experts and government authorities (national, regional, municipal).</p> <p>Assess how does the national legal framework correspond or not to the obligations under RED III, determine what needs to be changed while considering which other legal, planning (e.g. NECP) or financial instruments (esp. NRRP + REPower chapter) to support acceleration.</p> <p>Ensure stakeholder consultation and continuous involvement throughout all steps, not just at the initial consultation phase. This means, in particular, the involvement of local and regional governments and authorities, with</p>

¹⁸ Inspired from TNC Handbook

https://www.nature.org/content/dam/tnc/nature/en/documents/Europe_Energy_Practitioners_Guide.pdf and The Wildlife Sensitivity Mapping Manual, <https://op.europa.eu/en/publication-detail/-/publication/a3f185b8-0c30-11eb-bc07-01aa75ed71a1/language-en>

		<p>the right balance of responsibility distribution between national and local level, ensuring human capacity and resources for on local level for the process to succeed.</p> <p>Specify anticipated time frames for each phase of the process could help manage expectations and planning for all involved parties.</p> <p>Plan and prepare public consultations early, including identifying the targeted public and effective communication channels. Publish and continuously update the timeframe and all relevant and available information in an accessible format including publication of calls for evidence submission of additional relevant information.</p>
Step 2	Land & Sea areas suitability	<p>Identify overall potential suitability of land and sea areas for solar and wind, as well as grid and storage facilities, though a combined mapping assessing the technical feasibility (e.g., solar irradiance, wind speed), grid access, and infrastructure availability, incorporating biophysical conditions such as steep terrains and rocky surfaces, zoning, structural, technical or cultural restrictions (buildings with high architectural or historic value) and pre-existing land uses, safety or military constraints. Stakeholder consultation is key for identifying the range of economic, cultural, and environmental activities and features that may represent constraints to renewable energy development.</p>
Step 3	Wildlife Sensitivity Mapping	<p>Identify areas where the development of renewable energy might impact sensitive communities of wild plants and animals through technology specific wildlife sensitivity mapping using Geographic Information Systems (GIS) to collate, analyse and display spatial and geographic data and employ spatial biodiversity data relating to species and/or sites. Collaboration with the scientific community and conservation NGOs remains key to identifying restrictions.</p>
Step 4	Criteria Examination and Ranking	<p>Exclude identified unsuitable areas, examine how the different criteria influence renewable energy development and use these to rank the remaining suitable lands.</p>
Step 5	Propose Candidate RAAs	<p>Propose technology-specific candidate RAAs on low impact areas such as all suitable buildings and paved areas, transport infrastructure, parking lots, brownfields, industrial areas, business parks, and also farmland where compatible with crop/animal production and does not compromise biodiversity conservation or restoration objectives, while incorporating social aspects such as local ownership of renewable energy projects and</p>

		community benefits sharing, especially considering access to benefits for low-income and vulnerable households.
Step 6	Assess the GAP and monitor and publish progress and impacts	<p>Assess the gap between identified suitable areas (including RAAs) with their renewable energy production capacity and future production needs, taking into account to ensure that they meet at least their national contributions towards the EU 2030 revised renewable energy target of 42, 5% (aiming for 45%) and in support of the longer-term objective of achieving climate neutrality based on a 100% renewable energy system.</p> <p>Monitor and publish progress towards renewable energy capacity targets in RAAs, and on the effectiveness of regulatory regimes in RAAs in delivering rapid permitting with minimum environmental impact, including assessments of cumulative impacts on vulnerable biodiversity.</p>

ANNEX 1: Compliance with EU and national environmental standards and rules for a nature harmonious expansion of renewable energy without potentially affecting the zones' species and habitats, by Client Earth

Some of the suitable available methods to identify sensitive areas in Member States can also be found in the jurisprudence and articles of the relevant directives. A likelihood of significant effects, under Article 6.3 of the Habitats Directive, may arise not only from plans or projects located within a protected site but also from plans or projects located outside a protected site (C-142/16, paragraph 29). For example, a wetland may be damaged by a drainage project located some distance outside the wetland's boundaries, or a site may be impacted by an emission of pollutants from an external source. It is important that Member States, both in their legislation and in their practice, allow for the Article 6(3) of the Habitats Directive safeguards to be applied to any development pressures – including those which are external to Natura 2000 sites, but which are likely to have significant effects on any of them.

This also applies to potential transboundary effects that a plan or project in one Member State is likely to have in another Member State. Furthermore, identification of other sensitive areas can also be done by conducting the cumulative impact assessment in accordance with the Article 6.3 of the Habitats Directive and Article 5(1) and Annex I (f) of the SEA Directive. Assessment of the likelihood of potentially significant effects of the plan or project should be done, either alone or in combination with other projects or plans.

During the planning stage it will be possible to identify all other plans or projects that could give rise to cumulative impacts with the plan or project in question, meaning that any other plans and projects that can act in combination should be identified. This is not relevant only for the renewable projects, but any other plans or projects that have been already completed, approved but not yet completed, or submitted for consent. Data available in spatial plans, and river basin management plans under the Water Framework Directive, could be relevant for this purpose.

Concerning species, it is important to map sensitive areas outside of the protected areas where animal and plant species listed under Annex IV of the Habitats Directive reside, as well as bird species protected under the Birds Directive, and are likely to be affected by the proposed plans or projects, in order to prevent any potential conflict with nature. Apart from these species, it is also important to map areas where other important species reside, such as endemic species, wide-ranging species (such as bears, wolves or lynx that require large blocks of habitat in order to survive and to provide enough area where they can forage, find a mate or hunt prey), disjunct species, as well as areas where aggregation of species may occur.

Species sensitivity mapping should also highlight temporal (eg. seasonal) sensitivity considerations that may affect conservation status of a given species, or its natural habitat. Further essential elements of habitats and species sensitivity mapping should include disambiguation of data in line with elements set out in Habitats Directive Article 1(c) and 1(g), as well as Article 4(1) of the Birds Directive (cases (a) - (d)), to allow for informed decision-making.

ANNEX 2: Guidelines for Effective Public Engagement in Renewable Energy Mapping and Designation: Steps for Early and Inclusive Consultation, by Client Earth

- 1) **Early involvement, transparency and access to information:** Public involvement should start by providing comprehensive information about the process. Public consultations will not be effective without access to information. This means that information about mapping, designation and public consultation process should be proactively published by the local/national authorities. This information should include:
 - Up-to-date information about the process/timeline of the mapping/designation process, contact details of all relevant authorities
 - Clear criteria for designation of acceleration areas
 - Up-to-date information about the mapping process, including published/draft studies, results/requests for revisions of the mapping exercise, draft plans of the acceleration areas, environmental impact report, including simplified summaries of the most relevant documents
 - Provisional timeline of the public consultations, including the time/place/location/format of planned consultations.

Member States should identify the public to be consulted, including the public affected or likely to be affected by, or having an interest in, the decision making (Article 6(4) of the SEA Directive), especially on a local level. Information should be made available through various channels (including electronic single-access point for all relevant information), particularly taking into account the relevant channels of communication most likely to reach the public on a local level (websites, local newspapers, individual invitations etc.). Where the plans involve their administrative area, local authorities should pay particular attention to identifying the appropriate communication channels to make information available for local communities/NGOs and other stakeholders.

Stakeholder involvement in the mapping/designation process can increase the quality of decision making. Consultations involving environmental NGOs and other experts should also be carried out, but they should be organised in addition to public consultations. Stakeholder consultations cannot replace public consultations.

- 2) **Sufficient time for each stage of the consultation process:** To take due account of the opinions expressed through public consultation by the authority adopting a plan or programme, Article 6(2) of SEA Directive makes clear, first, that such opinions must be received before the adoption of that plan or that programme and, secondly, that the authorities to be consulted and the public affected or likely to be affected must be given sufficient time to evaluate the envisaged plan or programme and the environmental report upon it and to express their opinions in that regard.

In the mapping/designation process, the public should be constantly involved and informed from the earliest stages of the mapping process. Sufficient time also needs to be given for the consultation process itself, if necessary by organising multiple meetings or by giving sufficient time to provide the opinion in writing. The time period/format/location of public consultations should be adapted to the needs of the public identified and targeted in the consultation process and determined on case-by-case basis taking into account:

- The volume and complexity of the material to be discussed
- The public likely to be affected by or having an interest in the mapping/designation process (incl. their ability to travel, access to information/ internet, channels of communication, special

needs).

Sufficient time should also be allocated for providing detailed feedback to the public. For example, according to Maastricht Recommendations, a period of six weeks for the public to inspect the documentation and prepare itself for the public inquiry and a further six weeks for the public to submit comments, information, analyses or opinions relevant to the construction of a waste disposal plant could be considered as reasonable time frames. .

- 3) **Feedback:** Opinions expressed in the public consultations should be taken into account in designation of renewables acceleration areas, including any mitigation measures applicable to future renewable energy projects. Following the consultation MSs must inform the public of:
- The plan/program adopted;
 - Statement on how environmental considerations have been integrated into the plan or program and how the environmental report, opinions expressed during consultations have been taken into account and the reasons for choosing the plan or program as adopted, in the light of the other reasonable alternatives dealt with;
 - The measures of monitoring the significant/identifying unforeseen environmental impacts of the implementation of the plans/programmes (Article 9, SEA Directive).

For ease of access, decisions and feedback on how the opinions expressed during consultations have been taken into account in the decision-making process should be published and communicated using the same communication channels.

Member States should also use Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters prepared under the Aarhus Convention for guidance on planning, carrying out and taking due account of the outcomes of public participation.

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