

**RES-e Regions**

**EIE/04/234/S07.38605**

**WP 2 Summary Report**

**O.Ö. Energiesparverband**

## **Background**

The RES-e Directive 2001/77/EC recognises that access to the grid and administrative procedures represent important barriers in RES-e market implementation and therefore places specific obligations on the Member States in these respects.

WP2 aimed at analysing and describing the day-to-day situation regarding the authorisation procedures and the grid access for the different RES-e technology in each region and at giving a feed-back on the actual transposition of the Directive from the perspective of the regional level.

These conclusions drawn in this report are based on the results of following activities in each of the 11 regions:

- survey and analysis of regional conditions in each region
- European workshop
- meetings with planners (planners platform)
- regional events

The RES-e regions project included regions with widely differing levels of RES-e installation and support. Transposition of the directive into national and regional law was therefore far more difficult in some cases than others, and has affected the regions differently.

The regional situation likewise varies significantly with each technology. Although it is impossible to obtain a perfectly accurate picture of the situation in each region, interviews with people working in the sector helped to portray a more realistic assessment than bare official regional or national statistics, and this was one of the particular strengths of the RES-e project.

Another strength was the sharing of knowledge of different administrative systems in different European regions. Project partners were able to learn from Best Practice from across the continent, here the discussions in the framework of the study tours to partner regions were particularly helpful.

## **Main findings**

The main findings from analysing the partners' results can be seen as follows:

- Administrative permission procedures for RES-e installations present a highly fragmented picture ("patchwork"), differing often between technologies within the same region and differing strongly between regions, allowing relatively few

universal conclusions on the present situation. However, the project was able to identify Best Practice approaches which are listed below.

- One big challenge is to find the right balance between complicated and lengthy procedures, imposing requirements which are too strict and too expensive versus the justified protection of other important interests and rights. Administrative procedures have - among others - also the function of trying to find a compromise between the interests of project developers and the interest of neighbours (in being protected against visual intrusion, noise, smell etc.). Ideally, such compromise results in plants with a better acceptance and this is also in the long-term interest of the RES-e market development. However, such an ideal solution is hard to find.
- Among the Best Practice solution which emerge, "one-stop-shop" procedures where all or at least several procedures are combined meaning that decisions are taken within the one single procedure, are a very important simplification for planners and project developers.
- Procedures should be different according to the scale of plants. An interesting solution in this respect is an approach of "permitted development" where small-scale plants are exempt from (some or all) permission procedures, which is based on the assumption that (very) small plants also do not represent any major risks against which an administrative procedure must protect.
- The publication of official guidelines issued by the regional authorities for potential RES-e plant owners/operators that clearly outline the required permissions and the procedures (included estimated timeframe) can also be a very useful instrument in speeding up procedures.
- Good contacts to authorities and including all stakeholders from the very beginning, e.g. a platform for all actors to meet could be part of the procedures, are very helpful to solve problems at an early stage.
- An instrument that forces authorities to act within a certain period of time would help to speed up procedures.

### **Simplification of administrative procedures**

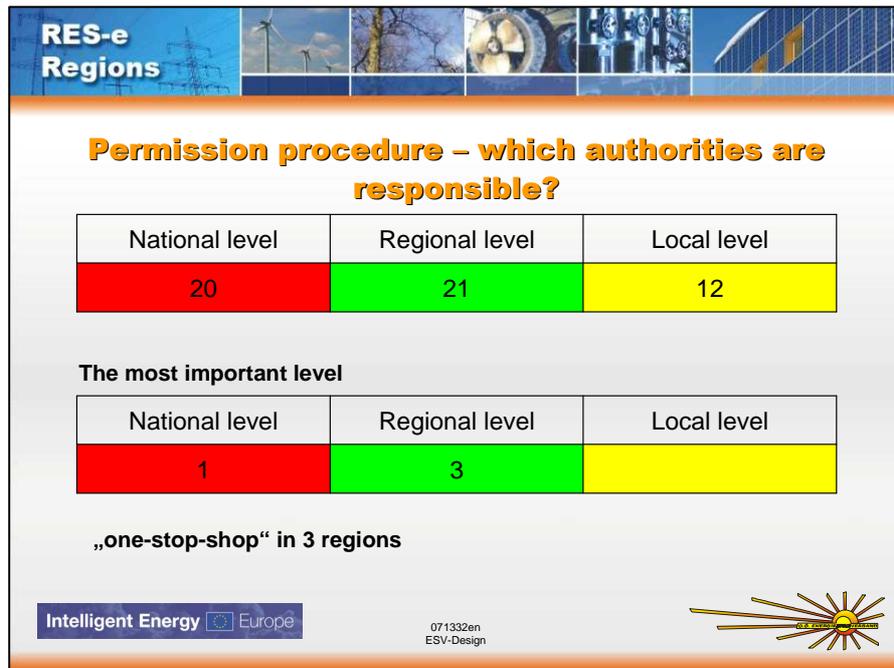
One important question for the simplification of procedures is which authorities on which levels are in charge of the most important and frequent permission procedures for RES-e plants. The graph below tries to quantify the distribution of responsibilities, so the national and regional levels seem to be equally important and also the local level is quite relevant (keeping in mind that in many countries, more than 3 administrative level can be found). As a consequence of this situation, there are many, many different actors.

Permissions required in the partners region include for example:

- spatial planning
- electricity permits

- water permits
- grid access
- environmental impact
- energy

Only few regions stated that installations below a certain size do not need permission or at least a simplified procedure is applied.



However, again this is different and depends on the technology:

- in Saarland only for PV no permission on domestic properties is needed, but this is not valid for other technologies
- in Upper Austria for installations < 30 kW no permission is required
- in Copenhagen simplified procedures for plants below 19 MW are carried out, plants from 200 kW – 10 MW only have to be notified (except wind)
- in Navarra for plants < 100 kW simplified procedures are applied

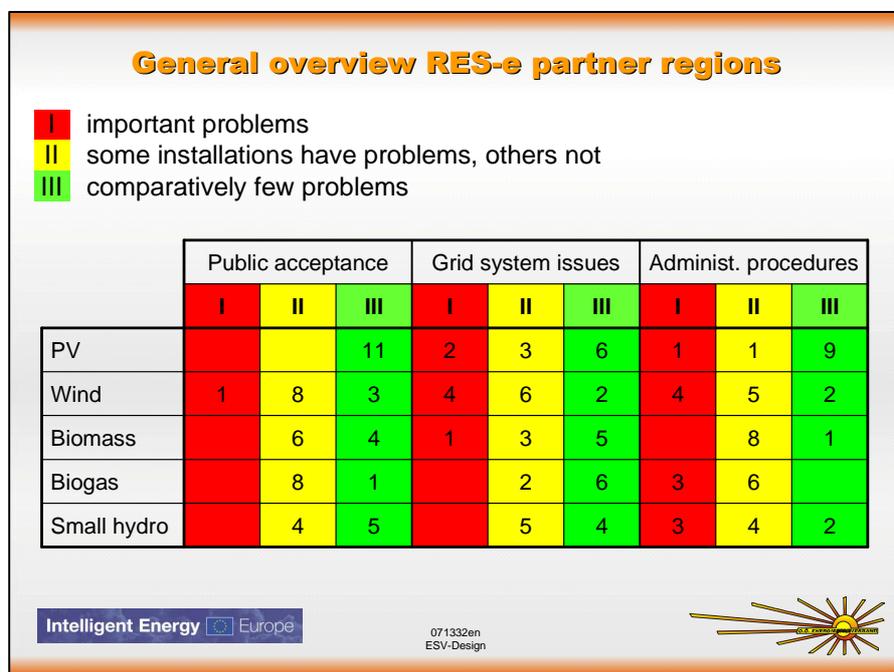
Three regions mentioned a "one-stop-shop" procedure where all or at least several procedures are combined meaning that decisions are taken at the same time and trials are combined.

In the annex to this summary report, the detailed answers by the project partners on which are the most important and frequent permits required can be found (keeping in mind that depending on the technology, the location and many other specificities, a wide range of less frequent authorisation procedures might be necessary) - these tables also include the attribution of these permits to the different administrative levels.

## Main challenges

The main challenges encountered in the partners regions are:

- high planning costs
- finding a balance between the interest of project developers and the interests of neighbours in being protected against negative impacts from the plants (noise, smell, visual intrusion)
- high influence of single experts & administration officials (who tend to overrate risks and safety issues)
- high (political) influence of (small) groups of opponents
- spatial planning
- very limited knowledge of legal issues of project developers



This graph makes an attempt at summarising the main barriers for RES-e technologies (by number of regions - these reflect the opinions and evaluations of the project partners).

In general, most problems are encountered by wind, followed by biogas and small hydro.

One big challenge in the field of administrative procedures is to find the right balance between complicated and lengthy procedures, imposing requirements on the project developers which are too strict, too lengthy and too expensive versus the justified protection of other important interests and rights. Administrative procedures have - among others - also the function of trying to find a compromise between the interests of project developers and the interest of neighbours (in being protected against visual

intrusion, noise, smell etc.). Ideally, such compromise results in plants with a better acceptance and this is also in the long-term interest of the RES-e market development. However, such an ideal solution is hard to find.

From the experiences in the different regions, the "one-stop-shop" solution described above is potentially able to make a good contribution to both interests.

Another interesting solution is an approach of "permitted development" where small-scale plants are exempt from (some or all) permission procedures, which is based on the assumption that (very) small plants also do not represent any major risks against which an administrative procedure must protect. The Greater Copenhagen Region, for example, has a permitted development system for household wind turbines which do not require a building permit for turbines up to 25m in height or 13m in rotor diameter. In Saarland, domestic properties may install PV systems without seeking permission. A similar system for example is in place in Upper Austria where plants up to 30 kW require no permission according to the electricity legislation.

Another helpful approach is an independent body (a watchdog) to oversee disputes, particularly regarding fees charged for the connection to the grid. The Swedish Energy Agency has the regulatory ability to investigate the cost of fees for accessing the grid, which is helpful in resolving disputes in the Västergötland region. In Wales, network operators are required to allow third parties to bid for the connection to the grid. In most instances this has the potential to make grid connection more rapid and less costly. In some other regions, the electricity regulator takes over this role.

Lengthy permission procedures are frequently also the result of a lack of experience of the administrative staff which act with excessive caution. A planning body with experienced staff members who are used to dealing with issues relating to RES-e installations is highly important for the RES-e market development, but this particular strength cannot be implemented by legislative changes and is a consequence of practical experiences with this type of work. However, in the course of this project, significant effort was made in increasing the levels of know-how and understanding of respective administrative bodies, e.g. by targeted events and site-visits.

## **Success factors**

Based on the reports and stakeholder dialogue in the participating region, an 'ideal' administrative/grid-access/financial environment situation for optimal RES-e market development would include the following elements:

- **Good grid infrastructure:**  
Particularly important for large RES-e installations, notably wind and hydro. Many regions which have the best potential for wind and hydro are at capacity and

limited predominantly by grid access (the Spanish regions, Slovenia and Wales are good examples of this).

- Adequate feed-in tariffs:  
These should be targeted at each RES-e technology individually, and guaranteed for a length of time which ensures a reasonably stable financial framework for potential investors.
- Guaranteed and competitively priced grid access:  
This is a problem in several regions. Many RES-e installations which are borderline in terms of economic viability will not be carried out if the price quoted for grid access is unreasonably high. An independent body to oversee disputes of this kind is helpful. The regulations in Wales state that the grid operator is obliged to allow a third party to bid for, and carry out the work, provided they have the necessary qualifications. This guarantees some level of competition and forces prices down, and could be a useful model for other regions.
- Simple administrative procedures:  
Complex procedures seem to be the rule rather than the exception in most of the regions. From the perspective of micro-generation, this is probably the main limiting factor in installations, along with the economics. "One-stop-shop" procedures and simplified planning procedures for small-scale plants (permitted procedures) would be a solution.
- Instruments that force authorities to act:  
An instrument that forces authorities to act, which means that they can not delay projects over a longer period simply by not acting. In Upper Austria this instrument is called "Devolution" and means that if the responsible authority does not act within 6 months, the owner/operator can appeal for permit to the next higher authority.
- Permission guidelines:  
An official document issued by the regional authorities for potential RES-e plant owners/operators that clearly outlines the required permissions and the procedures. It should also include an estimated timeframe depending on the technology and size of the planned projects.
- "Flexible procedures":  
In order to find the right balance between strict requirements leading to well functioning plants and high acceptance and simplification of procedures, the procedures should be flexible in a sense that they could be easily adapted to technological improvement. More mature technologies probably do not require such strict requirements any longer.

- Intermediary:  
An independent body, which has good contacts to both sides and which can act as an intermediary in difficult cases, would be helpful to mitigate conflicts.
- Including all stakeholder:  
Procedures should foresee a platform for all actors to meet and to be included.
- Good contacts to authorities:  
very often problems can be solved at an early stage of the project development especially if good contacts are established before the procedures start.

## Annex

The following tables list the most important and frequent permits required for RES-e plants (keeping in mind that depending on the technology, the location and many other specificities, a wide range of less frequent authorisation procedures might be necessary) - the tables also include the attribution of these permits to the different administrative levels.

### ESV

Permission procedure	National level	Regional level	Local level	Other level (please name)
<b>Procedure 1:</b> Spatial planning		yes: regional aspects, Dep.for Spatial Planning	yes: local aspects, municipality	
<b>Procedure 2:</b> Electricity		yes: Dep. of Energy		
<b>Procedure 3:</b> Water Permit	yes	yes: District Offices		
<b>Overall, most important level</b>		yes		
Are any of the administrative procedures combined with others? No / Yes (if yes, which): Yes, the different administrative procedures are combined into one procedure ("konzentriertes Verfahren"). usually lead by the regional government.				
Remarks, clarifications etc: RES-e plants < 10 kW require no permission, for RES-e plants of a capacity between 10 and 30 kW a simplified permission procedure is carried out.				

### RAEE

Permission procedure	National level	Regional level	Local level	Other level (please name)
<b>Procedure 1:</b> Permission to use water	yes: study of environmental impact	yes: district offices		public inquiry
<b>Procedure 2:</b> Spatial planning	yes: possible study of environmental impact	yes: definition of areas dedicated to the development of wind energy, collection of opinions of municipalities	yes: planning permission for small plants	public inquiry
<b>Procedure 3:</b> Grid access	yes	yes (regional representation of national body)		
<b>Procedure 4:</b> (please name)				
<b>Overall, most important level</b>				
Are any of the administrative procedures combined with others? No / Yes (if yes, which): No single contact partner available.				

## ARE LIGURIA

Permission procedure	National level	Regional level	Local level	Other level (please name)
<b>Procedure 1:</b> Environmental Impact Evaluation	Ministry of Environment Thermo-electrical Power Plant > 50 MW Hydro Power Plant >30 MW	Dept of Environment Power Plant > 20 MW (thermal) and others not included in the previous case		
<b>Procedure 2:</b> Electricity	GRTN	Local Electricity Distributor (ENEL Distribuzione)		
<b>Procedure 3:</b> Water Permit		Dept of Environment (Hydro Power Plant >3 MW)	District offices (Provinces) (Hydro Power Plant < 3 MW)	
<b>Overall, most important level</b>		YES		
Are any of the administrative procedures combined with others? No				

## DTI

Permission procedure	National level	Regional level	Local level	Other level (please name)
<b>Procedure 1:</b> Spatial Planning <i>Offshore Windturbines</i>	Yes, Danish Energy Authority			
<b>Procedure 2:</b> Spatial Planning <i>Land-based Windturbines</i>		yes: regional aspects, Dep. of Nature & Environment	yes: local aspects, municipality	
<b>Procedure 3:</b> Spatial Planning <b>Biogas</b>		yes: regional aspects, Dep. of Nature & Environment	yes: local aspects, municipality	
<b>Procedure 4:</b> Electricity	Yes, Danish Energy Authority			
<b>Overall, most important level</b>		Yes <i>(regional level shuts down 2007)</i>	Yes	
Are any of the administrative procedures combined with others? No / Yes (if yes, which):No				
Remarks, clarifications etc: Electricity Supply Act: Permission is required only for RES production plants with a capacity in excess of 10 MW. Plants with a capacity of between 200 kW and 10 MW must be notified to the Danish Energy Authority, although wind turbines are exempt from the notification requirement.				

## ULFME

Permission procedure	National level	Regional level	Local level	Other level (please name)
<b>Procedure 1:</b> Water permit	Ministry of the Environment and Spatial Planning			
<b>Procedure 2:</b> Spatial and Construction permit			Municipality	
<b>Procedure 3:</b> Energy permit	Ministry of the Economy			
<b>Procedure 4:</b> Licence for electricity production	Energy Agency of the Republic of Slovenia			
<b>Procedure 5:</b> Grid connection		Distribution company		
<b>Procedure 6:</b> Status "qualified producers"	Ministry of the Economy			
<b>Procedure 7:</b> Contract for selling of electrical energy		Distribution company		
<b>Overall, most important level</b>	<b>Yes</b>			
Are any of the administrative procedures combined with others? No / Yes (if yes, which): No				
Remarks, clarifications etc: No preferential price is defined for hydro power plants with capacity exceeding 10 MW.				

## MWEA

Permission procedure	National level	Regional level	Local level	Other level (please name)
<b>Procedure 1:</b> Environmental Impact/Planning	DTI for large wind farms	Welsh Assembly sets policy guidelines for local level	Local authority for wind developments below 50MW	
<b>Procedure 2:</b> Grid access	OFGEM (UK body) works w/ private companies	Private transmission companies	DNOs	
<b>Procedure 3:</b> (please name)				
<b>Procedure 4:</b> (please name)				
<b>Overall, most important level</b>				
Are any of the administrative procedures combined with others? No / Yes (if yes, which): No. All separate at the moment				
Remarks, clarifications etc: All grid connections above ~11kW need grid approval before connection, those under can connect before seeking grid approval.				

## EREN

Permission procedure	National level	Regional level	Local level	Other level (please name)
<b>Procedure 1:</b> Spatial planning		Yes: Comision Territorial de Urbanismo	Local issues	
<b>Procedure 2:</b> Electricity	yes	yes	Classified activities, environmental license, work permissions	
<b>Procedure 3:</b> Water Permit	Yes	yes	Yes, environmental license, work permissions	
<b>Procedure 4:</b> (subsidy management in renewable energy)	yes	yes		
Are any of the administrative procedures combined with others? No / Yes (if yes, which): The administrative procedure is one but there are some different administrations involved (example: the environmental procedure is included in the general administrative processing).				
Remarks, clarifications etc: Res-e plants < 100 kW needn't to pass through a competence procedure. When a project is located in two or more "comunidades autónomas" the subsidiary responsibility is national instead of regional.				

## AAE

Permission procedure	National level	Regional level	Local level	Other level (please name)
Procedure 1: Spatial Planning		---Ley del Suelo--- (Andalusian) Urban Planning Law 7/2002 of 17 December Regional Ministry of Public Works & Transport	(Municipality) General Urban Planning (PGOU),	
Procedure 2: Electricity	Law 54/97 of 27 November  Royal Decree 436/2004	ZEDE Order (Electricity Evacuation Area)		
Procedure 3: Water	Hydrographic Confederations (Public Entity)	Translation of competences in the near future		
<b>Procedure 4:</b> <b>(please name)</b>				
Are any of the administrative procedures combined with others? No				
Remarks, clarifications etc: RES-e plants in Special Regime includes premiums and feed-in tariffs for RES-e installations ≤50 MW.				

## GN

Permission procedure	National level	Regional level	Local level	Other level (please name)
<b>Procedure 1: Territory Planning</b>		Yes. Aspects of the region. Department of Environment, Territory and House.		
<b>Procedure 2: Electricity</b>		Yes. Department of Industry and Technology, Commerce and Labour		
<b>Procedure 3: Water Concession</b>	Yes, Hydrographical Confederation			
<b>Overall, most important level</b>		<b>Yes</b>		
<p><u>Are any of the administrative procedures combined with others?</u> No / Yes (if yes, which):            Yes. The procedures for the authorisation of lands occupation take part of a file to be processed by the Department of Environment, Territory and House.            The procedures for the authorisation of facilities for electricity generation take part of a file to be processed by the Department of Industry and Technology, Commerce and Labour.</p> <p>Remarks, clarifications etc:            The isolated solar photovoltaic facilities do not need any administrative authorisation. The rest of installations for electricity generation need the corresponding administrative permission.</p>				

## STEM

Permission procedure	National level	Regional level	Local level	Other level (please name)
<b>Procedure 1:</b> Building permit procedure Sweden			Municipalities	
<b>Procedure 2:</b> Environmental legal procedure Sweden	Government*	County Council**		
<b>Procedure 3:</b> (please name)				
<b>Procedure 4:</b> (please name)				
<p><u>Are any of the administrative procedures combined with others?</u> No / Yes (if yes, which): Yes and No, i.e. the Swedish government has plans that certain building permit issues should be taken over by the regional environmental courts to handle (in order to get a more coordinated permit procedure).</p> <p>Remarks, clarifications etc:            *For combustion plants of 200 MW or more, for hydro power plants of more than 20 MW, for groups of 3 or more wind power stations of a total effect of 10 MW or more ( i.e. for all off shore wind power).            ** For installations of less MW than as for *.</p>				

## IZES

Permission procedure	National level	Regional level	Local level	Other level (please name)
<b>Procedure 1: Spatial planning</b>	General privilege for RES-e plants outside natural reservation areas	Special favourite wind farming areas are outlined but there is a restriction of 1000 m distance towards next buildings	Final decision on concrete construction plans	
<b>Procedure 2: Electricity</b>	General privilege for accession of RES-e into the grid			
<b>Procedure 3: Water permission</b>		Department of water construction decide about every water building including environmental restrictions		
<b>Procedure 4: Construction</b>		To ensure general static building obligations independent from technology type		
<b>Overall, most important level</b>		Yes		
Are any of the administrative procedures combined with others? No / Yes (if yes, which): no				
Remarks, clarifications etc: No special construction necessities for PV on roofs of small buildings				