Perceived administrative barriers in EU-27

This report gives an overview of the perceived administrative barriers for building wind farms in the EU-27 area.

This report is based on information collected from EWEA’s NAN members¹ in December 2008 and January 2009. 22 NANs replied to the questionnaire EWEA sent out, covering 21 EU Member States, all of which have different perceptions of the main administrative barriers in their country.

The purpose of the Wind Barriers project is to gather accurate information on administrative and grid access barriers that hinder the development of wind energy in Europe. It aims to quantify the time frame/ the lead time for getting the necessary permits to build a wind farm and connect it to the grid in the EU-27 area, and highlight the factors that influence the overall time frame.

This report sums up the perceived administrative barriers in the different countries:

a) First, a simple process for the administrative and grid access permit process is drawn.

b) Second, the administrative process is described in more detail

c) Third, it defines the main types of administrative barriers perceived in the EU-27.

d) At the end of the report, there is a short summary of the overall findings.

The report will be used as input for the coming work packages, particularly for WP3 (used as a basis for the indicators and the two questionnaires to be developed) and WP5 (which will make a comparison between perceived and research-based barriers).

¹ NAN: National Associations Network
I. Generic model for project developers to obtain permits

Based on the material from the different countries, we can draw a simple outline of the permit process, as shown in Fig. 1 below. The process is primarily based on procedures for onshore wind farms, as there were only a few descriptions of offshore wind farms. In all the EU-27, the project developers need to have some sort of building permit as well as a permit for grid access.

The lead time for obtaining the permits is calculated from the moment when the project developer submits his first application (either for the building permit or the grid access permit) to the moment at which a wind farm can actually be connected to the grid. The ‘real start’ - when the farm produced wind based electricity for the first time - also depends on when the wind farm is constructed, as this can take place after the grid connection permit is granted.

The building and grid connection permit processes can run simultaneously, so the overall lead time cannot be calculated by adding them together. Fig. 1 summarises this process.

**Figure 1: Permit process**

![Permit process diagram](image)

**Phase 1: Investment decision:** The project developer first has to make a stop/go decision: when to apply for the necessary permits. Barriers here that trigger a decision to stop the wind farm project will not be measurable in lead time, because the project is stopped before the first applications have been submitted. The typical barriers here are **market barriers**, for example **low tariffs schemes and risks that are too high** compared to the expected rate of return. The high risks can be caused by administrative or grid access barriers in the form of:

a) Lack of information concerning the documentation needed for the permits;
b) Lack of/uncertainty about laws and regulation related to wind farms and electricity production;
c) Uncertainty over the extension of the grid and the related costs.
Phase 2: At this stage, the project developer has submitted an application to get a ‘building’ permit. The rest of the process can be broken down into five sub-processes, which differ from country to country, although there are some similarities within the EU-27. Each of the sub-processes can be measured in time. Fig.2 shows the sub-process for the building permit.

Figure 2: Process for the building permit

2.1. Approval process of the EIA
2.2. Public hearing
2.3. The planning act is decided
2.4 Complaint/appeal process
2.5. The building permit is approved

2.1/ EIA approval process\(^2\): The process can start on all public levels (national, regional or local) and it can be started with parallel administrative processes in different - and not always coordinated - public authorities.

During this phase, the project developer can encounter barriers such as:
- Delays in the administrative process, e.g. even when the authority has a fixed deadline of 180 days to give an answer on the EIA, it can “reset” this deadline by asking for more documentation from the project developer;
- Negative attitudes;
- Is it necessary to start the planning act process from scratch or is there available spatial planning for the areas in focus;
- Requests for new documents, studies, approvals etc.

Depending on the size of the planned wind farm it is not always necessary to make a complete EIA. Whether a complete EIA or a less comprehensive study of environmental impact is required varies from country to country, depending on the capacity of the wind farm/number of wind turbines. For example, if the wind farm has a less than 3 MW capacity in Austria or is made up of less than 3 turbines with a total height of less than 80 m in Denmark, a full EIA is not compulsory.

Another size requirement in some countries is, for example, if a wind farm is bigger than 50 MW, making planning a responsibility at national level rather than regional level.

\(^2\) EIA: Environmental Impact Assessment
The project developer will probably experience different waiting times on approval processes for equal wind farm sizes depending on whether a full EIA-approval is required or not. Normally it takes a long time both for the authority and the project developer to make a full EIA. There can also be other permits here which the project developer will need to get, such as a permit to use public roads for the transportation of materials to the site.

2.2/ Public hearing: if the EIA is approved, then there is often a public hearing, where the local community can express their opinion on the project. The typical barriers encountered at this stage (in the EU-27) are socioeconomic, such as the “not in my backyard” attitude (NIMBY).

2.3/ The planning act: The authorities often decide the planning act based on the EIA and the public hearing. If the planning act is adapted to the wind farm project, then it will either continue to the complaint/appeal process (box 2.4) or directly to approving the building permit (box 2.5). If the planning plan act is not adapted to the wind farm it can either be totally rejected or restart with a new EIA-process (box 2.1).

2.4. Complaint procedures: The complaint/appeal process is a typical part of the process, where a lot of time can be spent waiting for the outcome. Often these processes are without clear, fixed deadlines, causing a great uncertainty to the developer as regards the exact date/time when the building permit can be obtained. There is also the possibility that the authorities reject the wind farm based on the complaints/appeals. The project is then stopped or restarted with a new EIA-process (box 2.1)

2.5. Building permit approved: In this process step, the building permit is approved, and the project developer can start to build the wind farm.

Phase 3: Construction of the wind farms: Barriers related to the construction process are not targeted in the Wind Barriers project, therefore if the construction process is causing extensions in the overall lead time, this has to be subtracted from the lead time caused by the authorities and grid operators.

Phases 4 and 5: These processes are described in the specific report on perceived grid access barriers.

II. Methods of measuring barriers
As a part of the Wind Barriers project, the lead times for projects installed in the last 12 months, both onshore and offshore, will be quantified and measured in months. In order to identify the administrative and grid access barriers that contribute to the lead times, a number of indicative barriers will be highlighted in this project, such as the number of actors involved, the success and failure rates of the applications etc.

A provisional estimate of the average lead time is 4.5 years from the first application to a productive wind farm. The average lead time is based on answers from 11 NANs.

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3 The provisional lead time is based on data from: Austria, Czech Republic, Denmark, Finland, France, Greece, Italy, Lithuania, Portugal, Romania and United Kingdom.
1/ Barriers that can be measured in time
Some barriers are directly measurable in time. Examples of these barriers are:
- The response time measured in months from the moment in which an application is submitted until the moment in which the answer is received by the developer,
- The time in months spent awaiting the result from complaint processes, law suits, appeals etc.
- The time period required for e.g. bird studies.

2/ Indicative barriers contributing to longer lead times
The indicative barriers are the ones that can explain differences in lead times between the EU-27 countries. Examples of the indicative barriers measurable in numbers are the following:
- The number of authorities which need to be involved
- The number of studies required as part of the EIA

Other indicative barriers are measurable in subjective or yes/no answers
- On a scale from 1 to 5:
  - How transparent is the regulation about the studies needed to be carried out on e.g. noise limit, shadow effects etc.?
  - How supportive are the public authorities towards wind power during the administrative processes?
- Is there (yes or no answer)
  - Spatial planning including wind farms?
  - A list of all documents needed for the applications/EIAs etc?

3/ Market and other barriers
Market barriers are important barriers that can affect the length of the project even before handing the first application is handed in. These barriers will not, however, be evaluated in this project, as it is only possible to measure projects going through the permit process or projects that are finished and producing electricity. Relevant market barriers include:
- Low tariff schemes
- Legislation that is very counterproductive to the construction of wind farms and wind power as a significant part of the power supply
- High and/or unpredictable expenses for grid connection

Other barriers mentioned by the NANs are barriers related to:
- A lack of reliable wind data,
- Unreliable investors blocking land area and administrative capacity for reliable investors.
III. Perceived administrative barriers in the EU-27

The NANs have sent short drafts describing the barriers in their individual countries. In total, more than 20 different administrative barriers are mentioned in the drafts. Many of the barriers are similar throughout the EU-27 and the most frequent administrative barriers are:

- Lack of transparent EIA process
- Lack of a list of necessary documentation
- Lack of familiarity with the administrative processes for acquiring building permits to wind farms
- Complaint/appeal processes
- Delays caused by the authorities
- Public officials have a negative attitude towards wind power
- Socioeconomic barriers

All the fore-mentioned barriers have been experienced in at least five out of the 22 countries represented by the NANs. The most frequent barrier is “Delays caused by the authorities”, which has been experienced in nine out of the 22 countries.

The EU-27 countries have a greater variety of administrative barriers than grid access barriers, and some of the barriers are a problem in only one country, e.g. unreliable investors blocking the planning processes.

Barriers mentioned in the EU-level reports - Optres (2007) and Futures-E (2008).

The perceived barriers mentioned by the NANs correspond with the findings in especially the Optres-project. As a part of this project, a questionnaire was sent out (in 2005) concerning the barriers met by developers. The main administrative barriers found in the Optres-project were:

- The high number of authorities involved;
- A lack of coordination between the different authorities;
- Long lead times to obtain the necessary permits;
- RES (including wind farms) insufficiently taken into account in spatial planning;
- Low awareness of the benefits of RES (including wind farms) at local and regional authorities.
### Perceived administrative barriers

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<th>Administrative or grid</th>
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<th>Belgium - Wallonia</th>
<th>Bulgaria</th>
<th>Cyprus</th>
<th>Czech Republic</th>
<th>Denmark</th>
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***This paper is the result of the work done by Mr. Sune Strom Danish Wind Industry Association***