

EREF response to the public consultation of the European Commission on guidance for Member States on the designation of renewables acceleration areas

February 2024

EREF welcomes the plans to accelerate and simplify permit granting procedures for renewable energy development, as foreseen in the amended Renewable Energy Directive (REDIII).

Embedding the interim measures of last year's Emergency Regulation into the Renewable Energy Directive will fast-track new installations and related network expansion, which are now of overriding public interest and should significantly reduce lengthy and burdensome procedures for project developers, investors, producers as well as network operators. Under the new rules following the RED III, Member States will have to introduce shorter procedural deadlines and designate acceleration areas. Previously designated areas can be exempt from repeated environmental assessments when installing new plants as well as repowering can be carried out with environmental impact assessments limited to the change to the original project.

Article 15c RED III foresees the designation of renewables acceleration areas of low environmental risks by national authorities until end of February 2026. The Directive gives Member States the possibility to exclude biomass and hydropower from these areas.

With climate change progressing faster than envisaged, decarbonisation of our societies and industries must take place much faster. And for this ambitious task and to reach greater energy independency, **EREF underlines that all renewable energy technologies must be used.**

As introduction of our proposals for a good guidance document we would like to emphasize upfront, that acceleration areas have to be open to and for all renewable energy sources. The guidance document should not discriminatorily focus only on onshore and offshore wind and solar projects.

It is equally important that the guidance document should enable Member States to broaden the scope of renewables acceleration areas with renewable energy sources needed for the provision of sustainable heating and cooling.

Concerning our input for a good guidance by the EU Commission to the Member States, EREF recalls that already the previous RES Directive (EU) 2018/2001

strengthened both bioenergy and hydropower as technologies both complying with the strict conditions under EU and national legislation on nature and water protection. The potential exclusion of individual renewable energy technologies from the acceleration areas would go against the original purpose of this Directive, namely, to promote renewable energies. Such an exclusion would also expropriate an important local and regional contribution towards the energy system transformation towards a 100% renewable energy-based society. It would be a systemic error to discriminate some renewable energy technologies “cum grano salis” and to undervalue their important social and environmental benefit for the local integrated system change, also under the current acceleration quest.

Due to latest innovative technical solutions, small hydropower and good ecological status of a river can go hand in hand harmoniously.

The Guidance document needs to clarify that hydropower is not a threat to the ecological status of rivers if ecological requirements are met, e.g., sufficient environmental flows (minimum water flows) and fish migration aids. Ecological monitoring of watercourses very often reveals stretches of water used for power generation where there is not only a minimal difference to the unused stretches but a specific biodiversity resilient to draught.

The application of overriding public interest by the Member States must not discriminate between hydroelectric power plants according to their size, de facto excluding the smallest ones, since most of them will not have the means to finance the additional studies generated by their failure to recognize the major public interest of their projects. Small hydropower provides major positive environmental externals such as groundwater recharge, biodiversity reserve and flood protection. The European small hydropower industry is regarded as world leader, offering the complete range of technical solutions which comply with even the strictest environmental laws and regulations. This should be echoed in the guidance document – also in view of Europe’s Net Zero industry ambition.

Around 25,000 small hydropower plants provide annually 13 million households in the EU with electricity and contribute already to the EU’s decarbonization by saving CO₂ emissions from energy production.

The guidance needs to underline the contribution of small hydro to grid stability, providing security of supply and black start capability. A recent assessment on potential of small and micro hydropower in the EU estimates an additional yearly production of 79 TWh of green electricity feasible - under the strictest environmental

constraints.¹ Small hydropower can therefore make an important contribution to achieving the REPowerEU objectives to increase Europe's energy independence and to speed up its decarbonisation.

All Member States should plan acceleration areas to support the construction of new hydroelectric plants at already existing dams and the modernization and repowering of existing hydroelectric power plants, provided a sustainable hydropower use is ensured. In this way, the Member States can develop and utilize the potential of hydropower to remain a significant and sustainable contributor within the renewable energy family towards the replacement of fossil and nuclear power plants.

Examples of potential sites for acceleration areas include existing transverse structures that are not passable for fish. According to the Water Framework Directive (WFD), river continuity must be achieved by 2027. Designating these areas as acceleration zones would speed up the process and facilitate implementation.

The inclusion of bioenergy into the designation of acceleration areas is equally crucial.

Scientific evidence demonstrates that biogas- and biomethane production can bring positive externalities including economic, social, and environmental benefits. Biogas- and Biomethane projects contribute to cost savings, greenhouse gas emission reductions, creation of jobs and improved waste management.² On biogas and biomethane, EREF would like to request that the Guidance Document addresses the following:

The biogas and biomethane sector holds immense potential to deliver new production capacities once the barriers, such as long permitting times, have been removed: the main production technology - anaerobic digestion (AD) - is an advanced biological technology with more than 20,000 production facilities, including more than 1,300 facilities producing biomethane. A further advantage is that these processes are based on a European supply chain, thus contributing to resilience by reducing resource dependency from third countries. Moreover, the sector benefits from a rich availability of sustainable feedstock, including in the areas identified in the RED III, with the main feedstock potential for AD in 2030 coming from manure, agricultural residues, and industrial wastewater.

¹ Quaranta, E., Bódis, K., Kasiulis, E., McNabola, A., & Pistocchi, A. (2022). Is there a residual and hidden potential for small and micro hydropower in Europe? A screening-level regional assessment. *Water Resources Management*, 36(6), 1745-1762.

² Gas for Climate, Manual for National Biomethane Strategy, 2022, p. 7.

The renewable acceleration areas for biogas and biomethane should be mapped and assessed at a local level based on those zones with abundant sustainable feedstock availability and developed gas infrastructure, so that the injection into the gas grid of future production projects will likely to be technically feasible and economically reasonable. The introduction of a zoning approach with areas where biogas and biomethane production gets prioritised is essential for the improvement of the permitting process: in these areas aimed at fostering sustainable biomethane, the permitting process is expected to be faster. In addition, the Guidance should recommend cooperation of national authorities with gas grid operators to carry out this mapping exercise accurately. Facilitating collaboration between local authorities, Member States, TSOs and DSOs is essential for mapping biomethane production potential and the current gas grid infrastructure. Furthermore, administration and permitting officers should be provided with the necessary guidance to grasp project complexity and work in digitalised environments. This is crucial, as there can be a lack of knowledge of biogas and biomethane production processes within competent authorities, especially in areas where there are few biogas and biomethane sites and little experience with the technology.

We strongly recommend to give Member States more guidance in taking renewable heat projects into account in the designation process.

On mapping of areas for Solar PV, EREF would like to see a specific reflection in the Guidance document: For solar PV projects, the mapping should be technology-specific and focused on ground-mounted solar PV installations. Acceleration areas for rooftop PV do not make sense since these projects are typically already exempted from environmental impact assessment and take less than one year to be authorised.

The mapping should not lock in limited, rigid zones for renewable energy development. Instead, the mapping should identify favourable zones with potential for PV development (preferably ground-mounted) that equate to higher than the national solar targets. Contrary to other technologies such as wind, the purpose of the mapping should not be to concentrate projects in strictly delimited areas. Since solar PV projects are adaptable and versatile by nature, they should therefore benefit from a different approach.

The quest for more wind energy: The Guidance Document should ensure transparency and clarity especially also in view of goals to be achieved. When identifying and designating renewable acceleration areas for wind, it's crucial to base the selection on specific and transparent criteria. Member States' mapping of renewable deployment areas should align with the EU's 2050 Climate & Energy goals, focusing on carbon neutrality beyond just the 2030 objectives. Once acceleration areas have been

established, adding new ones could prove to be challenging. Member States should act on the opportunity as mentioned above to use Article 15 c paragraph 4 to expedite permitting processes. Converting existing designated suitable wind energy areas into acceleration areas could significantly speed up permitting for wind energy.

When designating optimal onshore wind areas, precision is key and needs to be ensured by the Guidance Document. However, we urge to not limit the application of renewable acceleration areas only to specific areas such as degraded land. In Germany, many older turbines will be ready for repowering in areas where the environmental status-quo might have changed over time. Acceleration areas would be the legal tool for easier repowering in those cases. Therefore, we caution not to set any more regulations on top of the ones laid out in the directive limiting this ability. This ensures that Member States can designate a significant size of renewables acceleration areas to fulfil their respective renewable energy deployment goals by 2030.

Moreover, designating renewable acceleration areas should not increase bureaucratic procedures even further, but should further reduce the necessary efforts. This could otherwise lead to even slower permitting. There is already a need for qualified permitting staff at the national level.

The role of spatial planning is to support renewable energy project development by creating extra facilitated zones for deployment, engaging local authorities at an early stage, and providing developers with the right level of information regarding both the development potential and site constraints. However, the expertise of project developers should be recognised when defining sites for renewable energy projects: they have a valuable know-how in siting projects and are already working with local authorities on the issue of public acceptance. The role of national authorities should therefore be separate from that of project developers.

All relevant information must be freely and publicly available in a usable format (e.g. GIS-based). The renewables mapping should be used to provide information to public authorities and project developers on the availability of renewable resources, the status of land, biodiversity sensitivities, as well as of the presence of grid infrastructure.

The whole exercise, and in particular the methodology and key criteria for the designation of favourable areas and renewable acceleration areas, needs to be coordinated at national level or higher, rules need to be established in the Guidance Document. We cannot rely only on local authorities alone. This would risk resulting in different methodologies being used and arbitrary decision at local level. The Guidance

Document should also ask Member States, when designating a renewable acceleration area, to specify why renewable energy projects in this area are not expected to have significant environmental impact and, accordingly, what should be the scope of the screening at project level, in particular what would be “highly likely to give rise to significant unforeseen adverse effects in view of the environmental sensitivity of the geographical areas”.

Finally, the Guidance Document should emphasise that the designation of acceleration areas for renewable energy projects must not result in renewable energy projects not being approved elsewhere or in the permitting process being made more difficult outside the acceleration areas than it is today.

In concluding we would also encourage the Commission to guide on some specific measures, regarding *inter alia* broader spatial planning considerations, land use, stakeholder engagement and public participation which could focus on issues such as:

To encourage Member States to designate areas where supply, storage and demand of renewable energy are co-located. Think of ports, industrial clusters, and areas where new technologies can easily be deployed next to existing projects, which are already operational. Also encourage Member States to provide for dedicated administrative teams from the central and local authorities to speed up permitting processes in each acceleration area.

To examine within each Member State how political decision-making from the authorities who have to decide on granting permits of energy generation or energy infrastructure projects can be accelerated. This may allow issues to be dealt with more quickly. Examples such as the establishment of specific councils or state committees in the field of energy generation or energy infrastructure can be included in the evaluation study.

To create an infrastructure (i.e. data safe houses) to help Member States facilitating more efficient sharing of information between industries, grid operators and authorities within renewables acceleration areas. The regulation for competition within the European Union has to enable this sharing of information.

To establish in the guidelines a regular event to share best practices with and between Member States in speeding up the development of projects and permitting processes within acceleration areas. Start every project with a joint project organization, staffing, governance, planning etc.. Part of this is also a public participation plan, in which it becomes clear which stakeholders are involved in each phase of a project.