

# Renewables Go-To Areas

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# Is the Energy Transition Reminiscent of Calvinball Rules?



# Renewables Go-To Areas

- An area onshore or offshore specifically designated for renewable energy development
  - This new concept facilitates a fast-track procedure for strategically allocating areas for and permitting renewable energy development
  - Eliminates perceived bottlenecks in national licensing procedures such as complexity caused by fragmented decision-making institutions and delays caused by environmental procedures
- Their purpose? To significantly and massively upscale renewable energy development necessary to reach the 2030 target with 45 % renewables and climate neutrality by 2050 in line with the European Green Deal objectives
  - ❑ Current EU capacity; 32 GW
  - ❑ How much offshore wind must be installed annually to reach the 2050 target?  
Approximately 13 GW



# COM 2022/222 final

- The proposed amendments to the Renewable Energy Directive 2018 is, in some respects, an attempt to reinvent the wheel for the licensing of renewable energies
- Political context;
  - ✓ Climate Change
  - ✓ Energy Crisis
  - ✓ Russia`s unlawful invasion of Ukraine
- The proposals are provisionally applicable as a result of an agreement reached between the Council and the European Parliament while they are negotiated in legislative procedures



# Renewables as an Overriding Public Interest

## Art 16d

*Until climate neutrality is achieved, Member States shall ensure that, in the permitting process, the planning, construction and operation of plants for the production of energy from renewable sources, their connection to the grid and the related grid itself and storage assets are presumed as being in the overriding public interest and serving public health and safety when balancing legal interests in the individual cases*

- In legal terms, this means that there is a presumption in favour of permitting renewable energy where there are conflicting interests in individual licensing decision-making procedures (COM 2022/230)



# The Mapping and Designation of Renewable Go-To Areas

## Art 15b

- States must identify land and sea areas necessary for the implementation of renewable energy installations that are required in order to meet the 2030 target through marine spatial planning. This must be done within 1 year after the revised Directive enters into force.

## Art 15c

- States must adopt plans designating Renewable Go-To Areas with assigned rules and mitigation measures
  - ✓ Mitigation measures will presume the fulfilment of the Birds and Habitats Directives, and the Water Framework Directive
  - ✓ Mitigation measures must be `targeted to the specificities of each identified renewables go-to area, the renewable energy technology or technologies to be deployed in each area and the identified environmental impact assessment`
- The mapping and designation of renewable go-to areas involves site- and technology-specific assessments which are traditionally incumbent on developers. The burden of maturing an area for offshore wind development has therefore shifted considerably unto States



# Offshore Wind Licensing in Go-To Areas

- The mitigation measures identified by the State presumes the fulfilment of the EIA Directive 2011/92/EU
  - ✓ No need to conduct an environmental impact assessment on part of developers
- A wide range of requirements will impact how decision-making authorities organize themselves and the licensing process
  - ✓ One-stop-shop
  - ✓ Strict timetables
  - ✓ Tacit consent



# Implications for Current Regulatory Frameworks

- Decision-making authorities must bolster their administrative resources
  - Licensing procedures will be less developer-driven due to the proactive and front-loaded role the State must take to mature the go-to area and devise rules for its development. This will be resource-intensive on part of the State.
- The proposed amendments will considerably affect decision-making authorities' procedural autonomy
  - States must establish one-stop-shops, adhere to strict timetables and may give tacit consent in the event where they exceed timetables with no licensing decision
- Developers will be exempted from carrying out environmental impact assessments
  - Means that developers will have less influence on the framing of the development and its mitigation measures





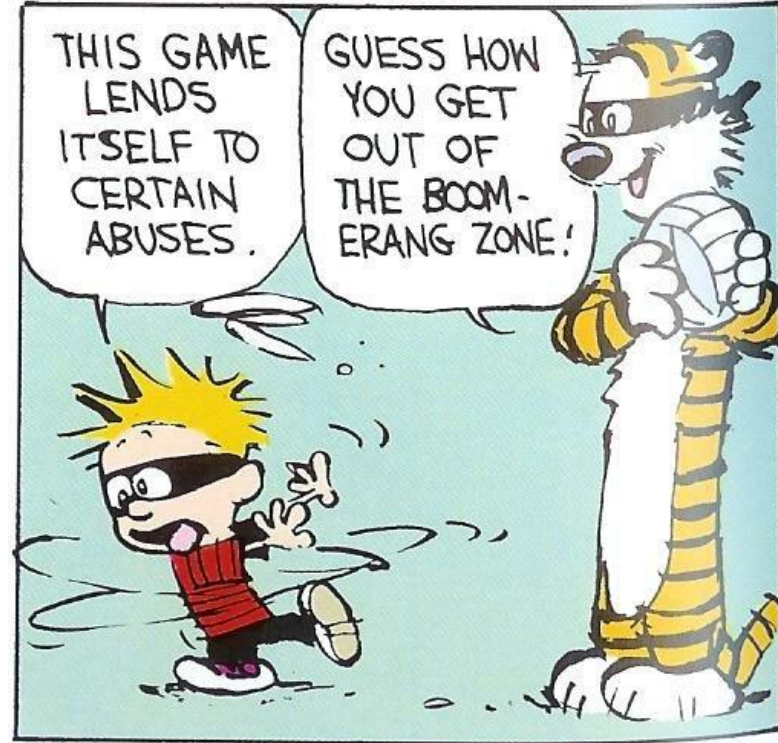
Do Desperate Times  
Call for Desperate  
Measures?





YOU KNOW THE CALVINBALL RULES.

YEAH, YEAH. ANYTHING WE MAKE UP. WELL, YOU'LL PAY FOR THIS.



THIS GAME LENDS ITSELF TO CERTAIN ABUSES.

GUESS HOW YOU GET OUT OF THE BOOM-ERANG ZONE!





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