

# At the crossroads – wind energy for Germany - lessons for Sweden?

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# Governance at the *federal level*

[https://www.fachagentur-windenergie.de/fileadmin/files/Newsmeldungen/FA-Wind\\_Ausschreibungen\\_2017\\_vs\\_Zubau\\_seit2010.pdf](https://www.fachagentur-windenergie.de/fileadmin/files/Newsmeldungen/FA-Wind_Ausschreibungen_2017_vs_Zubau_seit2010.pdf)

## Trajectories (§ 1 (2) 1 *Renewable Energy Act 2017*)

„... electricity generated from renewable energy sources as a percentage of gross electricity consumption to ...“

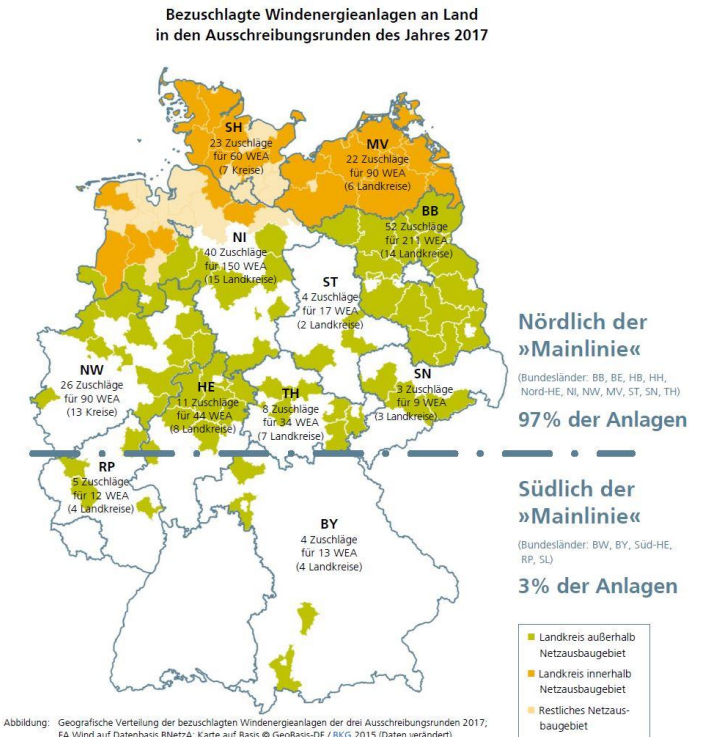


## EC Guidelines on State Aid for Environmental Protection and Energy:

“...through a competitive bidding process (auction) from 1. January 2017 onwards”

*onshore wind*: 2,800 MW to tender for three years starting in 2017, followed by 2,900 MW per year.

*offshore wind*: 500 MW to tender annually for 2021 and 2022, 700 MW each for 2023 to 2025 and 840 MW annually for 2026 to 2030.



Accepted bids of the 3 auction rounds in 2017, state-wise

FA Wind (2017) [Auctions in 2017](#)

## Governance at the *federal level*

### Building Code § 35 Abs. 1 Nr. 5 (1997!) **Pivotal driver for wind energy site planning!**

- **Privileged status for wind energy projects** in peripheral [i.e. not zoned] areas:
  - Wind energy projects **have to be granted** a permit if the project does not conflict with public interests (e.g. wildlife protection); provide **‘substantial’ wind energy sites**
  - **except if designated wind energy areas** due to § 35 Abs. 3 Satz 3 [i. e. comprehensive or local municipal planning] **established**

#### BauGB § 35 Abs. 1

(1) Im Außenbereich ist ein Vorhaben nur zulässig, wenn öffentliche Belange nicht entgegenstehen, die ausreichende Erschließung gesichert ist und wenn es

1. einem land- oder forstwirtschaftlichen Betrieb dient und nur einen untergeordneten Teil der Betriebsfläche einnimmt, ...

5. **der** Erforschung, Entwicklung oder Nutzung der **Wind-** oder **Wasserenergie** dient, ....

cf. <https://www.energieagentur.nrw/blogs/erneuerbare/im-fokus-die-privilegierung-von-windenergieanlagen-im-aussenbereich/>

# The German spatial and municipal planning system



**Federal strategies**  
Principles for spatial  
development

**Spatial Planning Act  
(ROG)**

**State spatial planning**  
State development plans

Strategic  
Environmental  
Assessment (SEA)

**Regional planning**  
Regional plans

**Municipal planning**  
Comprehensive land-use plans  
and local (zoning) plans

Strategic  
Environmental  
Assessment (SEA)

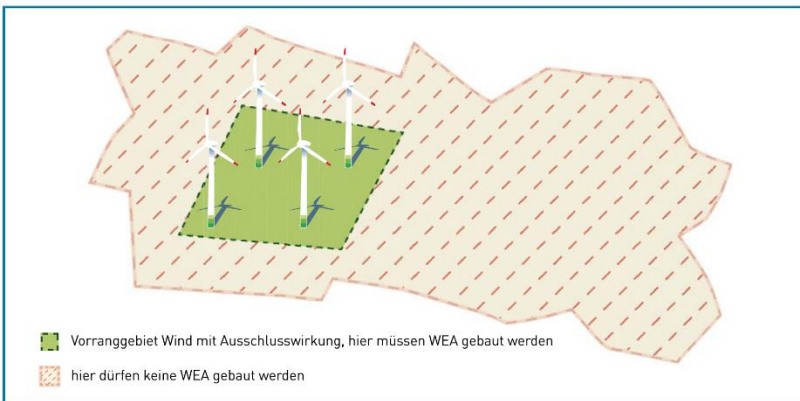
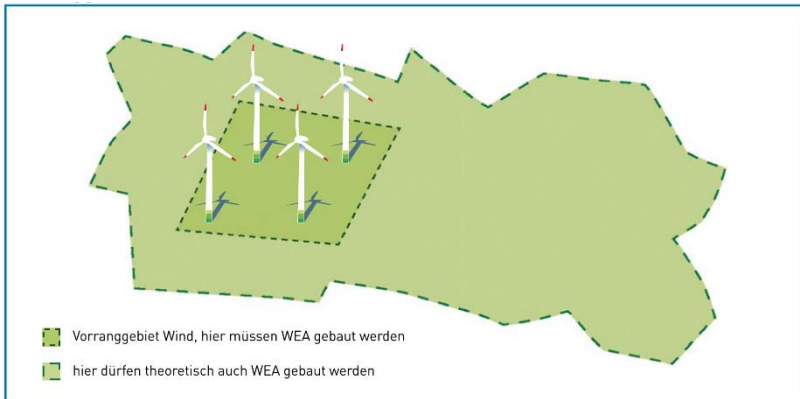


**Building Code (BauGB)**



# Spatial planning at the *regional level* (§ 7 ROG\*) & state-wide discretion to ‘fine-tune’ *planning criteria*

\* "... may also be specified in spatial and factual partial [sectoral] plans."



Planning/ siting guidelines [cf. annex slides]

- Criteria for excluding (*‘hard taboo’*) or restricting (*‘soft taboo’*) areas
- Regular review (*political trends & jurisprudence*)
- **Vary among states**

Abb. 3–6: *Gebietstypen der Raumplanung*; Quelle: Agentur für Erneuerbare Energien 2012

# Applications for new wind turbines in Bavaria subsequent to '10H' regulation (§ 249 Abs. 3 BauGB)

Source: FAW\_2018\_ <https://www.fachagentur-windenergie.de/aktuell/detail/zweite-sitzung-der-ag-akzeptanz.html>

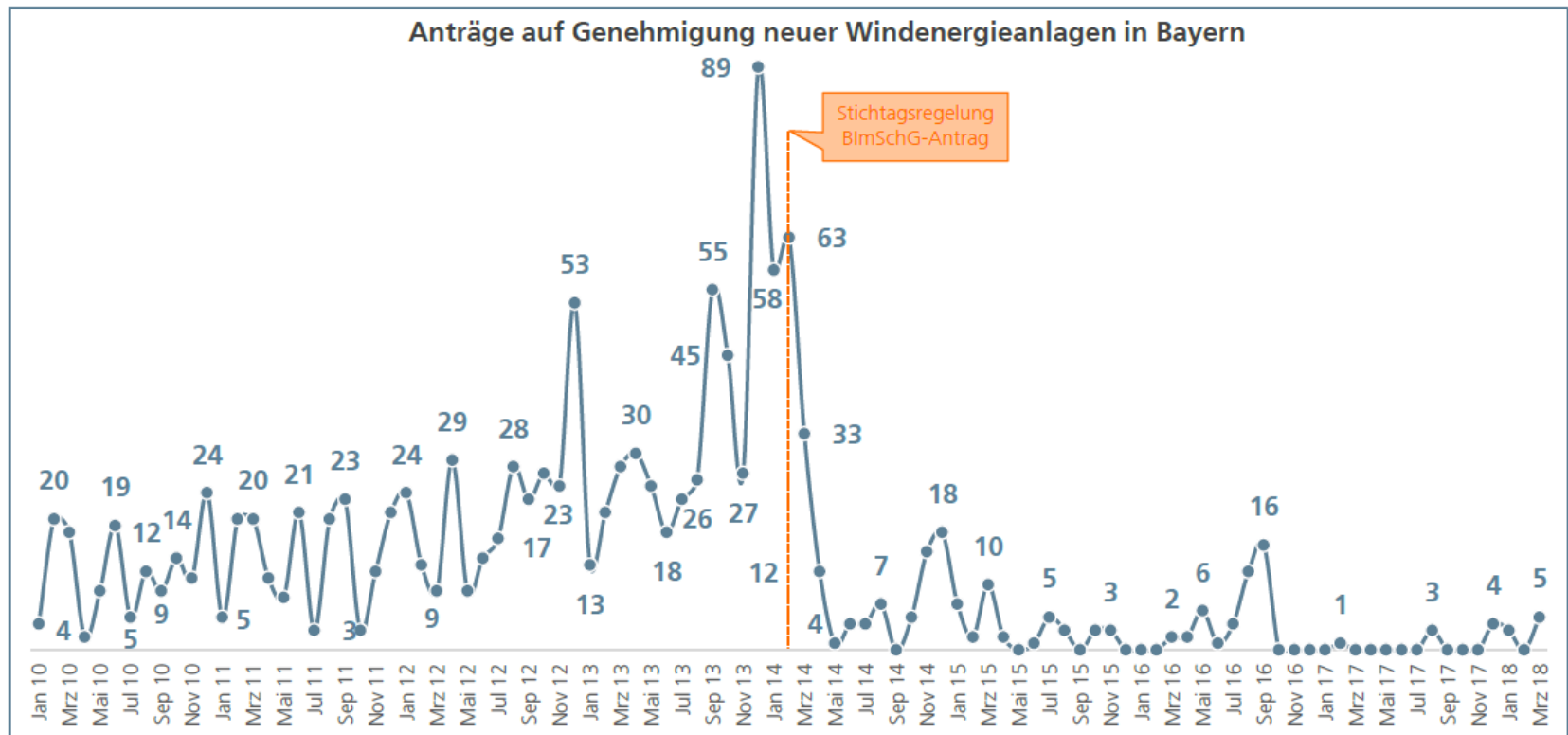


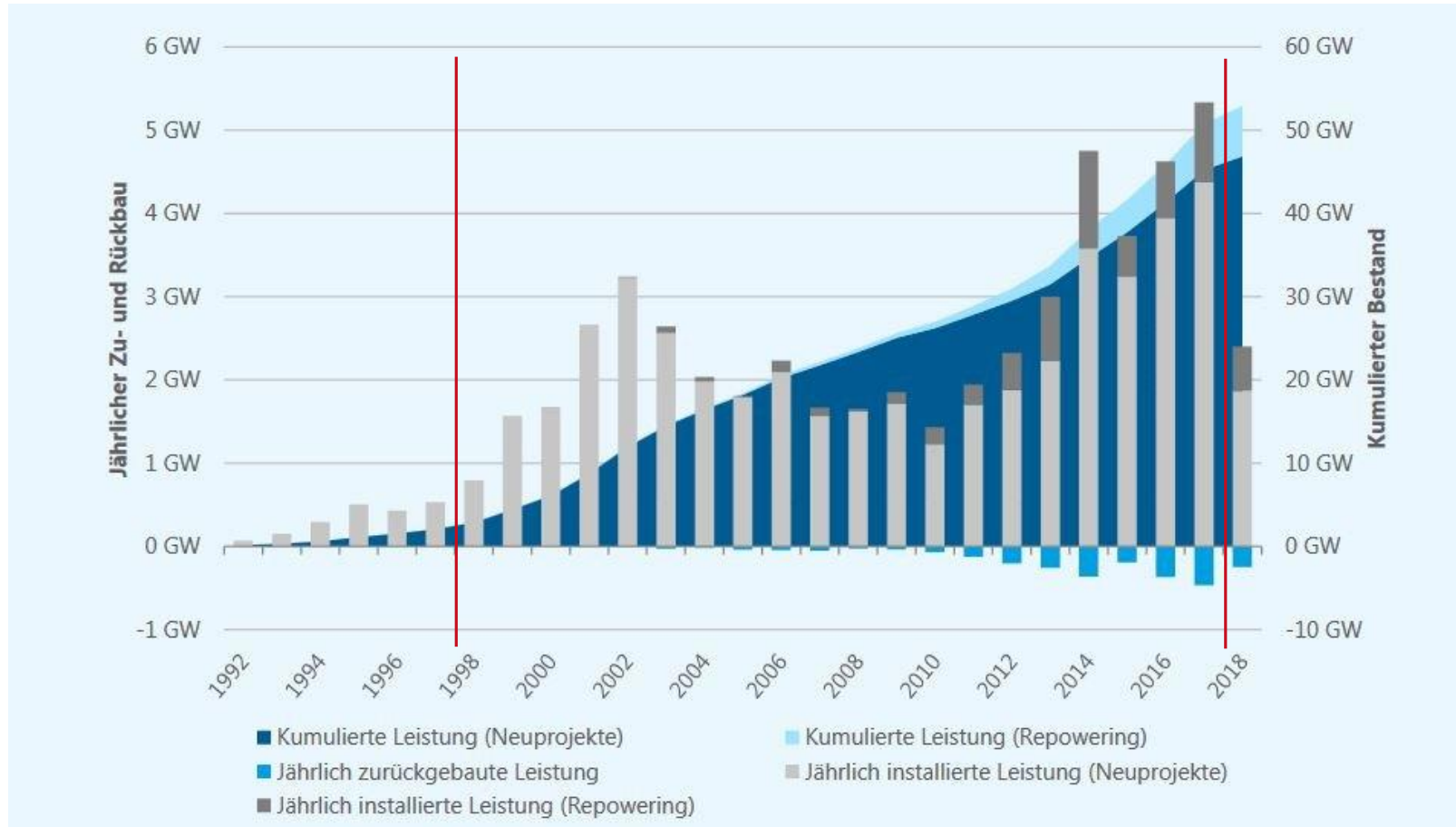
Abbildung 1: Beantragte Windenergieanlagen in Bayern im Zeitraum 01/2010 – 03/2018; Quelle: Bayer. Staatsregierung; Auswertung: FA Wind

## Interview regional planner (2018-09-07)

- “It has increasingly become our task to gradually work through an alternate planning system as conceived by judges and their making of case law. **Jurisdiction has taken over.** Our idealized, good old planning paradigms have gone. We noticed, that certain areas that seemed to make sense due to our planning expertise could no longer be established.
- **Species conservation** is leading to a gross shortage of land available for wind power. The so-called “animal-ecological” distance criteria prove to be a **decisive barrier**, especially if they are interpreted as hard taboo criteria, as in ... state now. Any achieved result of a regional planning assignment can hardly be explained to anyone anymore.
- The **current concept** for the designation of wind energy sites, which has been imposed on us for the time being, has **completely failed** from my point of view. Wind energy on land will not develop further on without **clearer legal requirements**, at least not to the extent necessary for climate protection”.

# Annual development of onshore wind energy capacity in Germany (Deutsche WindGuard)

<https://www.euwid-energie.de/zubau-windenergie-an-land-im-jahr-2018-niedrige-erwartungen-noch-unterboten/>





# “Employees fear for their jobs through reform of regional planning” (Potsdamer Neueste Nachrichten, 31.01. 19)

## Demo für Windkraft

### Mitarbeiter fürchten durch Reform der Regionalplanung um ihre Arbeitsplätze

POTSDAM - Mehr als 150 Mitarbeiter der Windenergiebranche haben am Mittwochmorgen auf dem Alten Markt in Potsdam demonstriert. Vor dem brandenburgischen Landtag protestierten sie gegen die Änderung des Gesetzes zur Regionalplanung, das auf der Tagesordnung der Plenarsitzung steht. Mit Fahnen, Schildern, Warnwesten und Bauhelmen setzten sich die Demonstranten für den Erhalt von Arbeitsplätzen in der Windkraft ein.

**Der Bau neuer Anlagen könnte ins Stocken geraten**

Ausbau der Windenergie in weiten Teilen des Landes auf Jahre hinaus blockieren“, erklärt Jan Hinrich Glahr, Vorsitzender des Landesverbandes Windenergie Berlin Brandenburg. Die Befürchtung der Mitarbeiter: Wenn die Rahmenbedingungen durch die Regionalplanung geändert werden, könnte es sein, dass der Bau von neuen Anlagen stockt und so die Unternehmen in Gefahr geraten. „Die Unternehmen der Windbranche leiden unter

den ohnehin schwierigen Rahmenbedingungen“, heißt es auf einem Flyer des Verbands, der bei der Demonstration verteilt wurde. Die Organisatoren sprechen von 300 Teilnehmern. Sollte die Regionalplanung geändert werden wie geplant, „können in vielen Regionen Brandenburgs auf lange Zeit keine Windräder mehr gebaut werden“, so das Papier weiter. Laut dem Verband arbeiten rund 9400 Mitarbeiter in etwa 1000 Firmen in der Branche in Brandenburg. In der Regionalplanung werden sogenannte Windeignungsgebiete ausgewiesen, also Flächen, auf denen größere Windparks entstehen können.

SANDRA CALVEZ



**Angst um Jobs.** Rund 300 Mitarbeiter aus der Windenergiebranche demonstrierten am gestrigen Mittwoch in Potsdam.

Foto: Marion Kaufmann

## Position of BWE (German Wind Energy Association)

- The German Wind Energy Association (BWE) proposed to establish a clear legal timeframe and quantitative goal to comply with the target of 65 percent renewable energies by 2030. The necessary onshore wind expansion path of 4,500 to 5,000 megawatts per year could be implemented by 2030.
- The states and municipalities needed such a clear legal prospect in order to be able to align the provision of land accordingly. The **2 percent land target** for land-based wind energy should be included in the principles **into the Federal Spatial Planning Act**, they argued.

*February 20, 2019 [Source: News from the federal parliament, Feb. 20, 2019]*

*“Economy and Energy Committee against regional wind quota*

*Berlin: (hib/PEZ) The Committee has spoken out against the establishment of regional quotas for the expansion of wind energy. Against the votes of the Bündnis 90/Die Grünen and Die Linke parliamentary groups, on Wednesday MEPs rejected a corresponding motion (19/3142) by the Bündnis 90/Die Grünen parliamentary group. The proposal called for regional quotas to be anchored in the Renewable Energy Sources Act (EEG).”*

## ‘Wicked problems’ at hand?

- The often 'tricky' challenges of our energy system transformation needed to be addressed.
- They can be subliminal, unintended phenomena still unrecognized in their cumulative dimension, as the shortage of sites for renewable energies.
- Our negative planning paradigms based on exclusions have reached their limits, who pinpoints towards positive planning attitudes?
- Are innovative interventions feasible, concerning competences in the federal system, for example (cf. debate in the education sector)?
- Does civil society (NGO's etc.) fail, forcing the phase-out of coal but hampering renewable energies, be it by legal action at the local level?
- Lack of distributional justice between urban and rural areas, elites and disadvantaged people, senior and junior generations superimpose.
- Leadership and collaborative action mattered more than ever, can Germany learn from Sweden?