

EWEA response to public consultation as part of the 'fitness check' for EU nature legislation (Birds Directive, Habitats Directive)

The mitigation of climate change and protection of nature and biodiversity are at the core of today's environmental challenges. So far, the EU's environment and climate policies have delivered substantial benefits, as recently stated by the European Environment Agency (EEA).¹ The European Wind Energy Association recognises the contribution of European nature and biodiversity legislation and underlines in this regard the importance of the Birds & Habitats Directive, which have proved to be the cornerstones for protecting nature conservation.

Wind energy in Europe has been growing rapidly over the last decade and with a total installed capacity of 128.8 GW, enough to cover 10.2% of the EU's electricity consumption.² With the number of wind farms to increase steadily in the short, medium and long term, the wind energy industry acknowledges the need to do so in a sustainable manner.

Through the application of different legislative frameworks, such as the Environmental Assessment Directive, wind farms are developed in line with the principles of environmental protection. Moreover, through the European Commission's guidance document 'Wind energy developments and Natura 2000', guidance is provided to national and regional authorities on how to ensure that the development of wind farms in Natura 2000 areas is compatible with the EU's Birds and Habitats Directives.

EWEA recognises it is not the aim of the Birds and Habitats Directives to block the further development of wind power in Europe. However, through incomplete guidance, the lack of recognition of the impact of renewables on climate change mitigation, an inconsistent transposition into national law and over simplistic interpretation by governments, the Directives have blocked many projects.

1. Wind power helps mitigate climate change – the single largest threat to birds and habitats

Wind energy is one of the cleanest, most environmentally friendly energy sources with a long-term positive impact as it does not emit any greenhouse gases. Unlike fossil fuel and nuclear power plants, wind technology uses very little water to produce electricity.³ At the local level, wind energy can have positive effects on nature and biodiversity as the construction of wind farms offers communities an opportunity to practice ecological restoration. The CO₂ emissions and energy used for building wind turbines are the lowest among all power plants, after hydropower, as confirmed by the IPCC.⁴ In addition, wind turbines are almost fully recyclable.

2. Appropriately sited and well-designed wind farms are not a threat to birds and habitats

Wind farms have a potential impact through bird collision fatalities. Potential site-specific impacts on birds are minimised by careful planning and siting. Mitigation measures, such as a temporary shutdown during migratory periods and technological developments, for example to reduce noise emissions, have proved to have a positive impact.⁵

¹ The European environment – state and outlook 2015', European Environment Agency, March 2015

² EWEA 2014 Annual Statistics

³ IPCC, Special report on renewable energies- Chapter 7 'Wind Energy'

⁴ IPCC, Special Report on Renewable Energies, analysis on life cycle emissions, 2011

⁵ e.g. use of aero-acoustically optimized airfoils, trailing edge serrations, change of pitch angle of blades

Experience has shown that planning wind projects in a strategic manner over a broad geographical area is the most effective means of minimising the potential impacts of wind farms on birds and their habitats. Monitoring environmental impacts and planning mitigation techniques on a large scale help to improve the existing planning tools. Evidence to date shows that appropriately sited and well-designed wind farms do not represent a threat to vulnerable species and habitats, including those protected under the Habitats and Birds Directives.⁶ In fact, if planned properly, modern wind energy activities can not only avoid impacting on birds and their habitats but can also on occasion actively contribute to biodiversity conservation.

Overall, the impact of both onshore and offshore wind farms on birds and their habitats is extremely low, compared to other human-related activities. For instance, buildings, cats, vehicles or other human-related activities have proved to be a much bigger threat to wildlife than wind turbines.⁷ A majority of species can co-exist and even thrive with wind farms once they are operational. Many local and national governments have established planning, permitting and siting requirements to mitigate and reduce these impacts.

3. Recognizing positive long term impacts climate mitigation

The inclusion of long term climate change mitigation considerations in existing and new European and national policies would create further synergies between the deployment of renewable energy and the protection of birds and habitats. When the principles and practices that were laid out in the original Directives were developed, climate change mitigation was not prioritized as it is today. As a result, frameworks such as Natura 2000 do not provide for a proper mechanism that could deal with potential conflicts between the original conservation objectives and long term climate change mitigation considerations.

Certain projects, like wind farms but also the necessary supporting infrastructure (transmission lines) which are designed to mitigate climate change could therefore be blocked by a shorter term goal, being the local conservation requirements.

EWEA therefore calls for an explicit acknowledgement of the link between a renewable energy project and climate mitigation, which in particular in the long run will have a positive impact on birds and habitats. Mitigating climate change should in that light be considered as a key contributor to the public interest of protecting nature

4. Over simplistic interpretation of EU guidance on Natura 2000 sites

The European Commission's guidance document 'Wind energy developments and Natura 2000' clearly states that the Directives do not, *a priori*, exclude wind farm developments in or adjacent to Natura 2000 sites. However, in many Member States, the misguided view is taken that designated Natura 2000 areas are per definition 'no-go areas' for the development of wind farms. The document lacks crucial guidance on assessing wind farm development in designated areas.

As a consequence, even an assessment of site specific factors and conditions is not taking place, simply because wind farm development in the designated site is considered impossible from the outset. In some Member States, more and more areas are added to the Nature 2000 network, thereby seriously hindering renewable energy development in those countries, as there is a high degree of overlap between Natura 2000 areas and areas with high wind potential.

5. Streamlining national implementation

A coherent approach at Member State level with regard to EU legislation to protect birds and their habitats would remove inconsistencies in the implementation of EU rules. Streamlining administrative requirements, without reducing environmental protection, is the essence of achieving a balance between a project's environmental impact and its economic value for the developer, society and the economy.

⁶ European Commission guidance document 'Wind energy developments and Natura 2000', 2010

⁷ Erickson W. P. et al (2005) Summary and comparison of anthropogenic causes of bird mortality, 3rd international Partners in Flight Conference

Improvements in the application of the Directives could be realised if a potential review were to focus on implementing simplified and streamlined procedures and guidance criteria across EU Member States. These would enhance certainty for investment, lower project costs and ensure sustainable development while maintaining environmental integrity.

6. Best practices: wind energy development in designated areas

There are a range of best practices around compensatory measures, habitats and species management plans, intense water quality monitoring programmes in ultrasensitive areas during development and issues of R&D, which can provide added value to the functioning of the Directives.

According to EWEA's survey from the National Associations Network (2012), wind energy development is not *a priori* forbidden in designated areas in several countries (e.g. Ireland, Poland, Portugal, the Netherlands) whilst there is consensus in the industry that wind farms in Natura 2000 sites are not threatening the protection goals for habitats of their areas. However, the developers can experience either permitting delays, or need to undertake appropriate assessment.

A number of projects have been built in designated areas, in most cases before registering the sites as protection areas. For instance in the Czech Republic, there are a number of operational projects in classified 'bird areas' (e.g. Vrbice wind farm, Nove Mesto wind farm, Petrovice wind farm). In Denmark, transmission cables have been developed within Natura 2000 areas. In Estonia, the Virtsu II wind farm is operating in a Natura 2000 area, where first monitoring results suggested no impacts on birds. In France, about 30 wind farms are estimated to be located in Natura 2000 areas. In Germany, there are also wind farms built in Flora- Fauna- Habitat (F-F-H) designated areas. In Ireland, several wind farms have been built in Natura 2000 areas, although more recently, the misguided view that Natura 2000 areas are a no-go for development, has led to a standstill in the development of wind farms in designated areas.

A good example of successful mitigation programme is the Beinn an Tuirc (30MW, Scotland) golden eagle habitat offset: an attractive habitat for vulnerable species was created to compensate for habitat loss and to minimise the risk of collision with blades by providing an attractive alternative area. These measures accommodate the needs of the eagles without reducing the viability of the project. Monitoring results show that the mitigation area habitat is developing well.⁸

Bio3, a Portuguese environmental consultancy is looking into tools to track fauna and monitor biodiversity ('biodiversity tracking system'). They have also developed the 'Wildlife fatality estimator', a platform which helps users estimate the mortality rate associated to wind energy deployment. Following this work, two successful examples of successful mitigation are the Malhanito and Prados wind farms in Portugal, which lie inside a Natura 2000 site of community importance (SCI). Based on information collected during the development of the project, sensitivity maps were developed and the potential impacts on two species (Bonelli's eagle on Malhanito wind farm and Montagu's harrier on Prados wind farm) contributed to the mitigation plan (GP WIND 'Thematic case studies', 2012).

In Panachaiko Mountain in Greece, 57 wind turbines have been installed inside a Special Area of Conservation (SAC). The annual monitoring of the wind farm shows there is no negative impact on the protected species of flora and fauna. Furthermore, no bird collisions have been detected until today.

Developing monitoring programmes for supporting pre- and post-construction monitoring will be essential information to the industry and the researchers. It is also advised to promote international coordination and best practice exchange of examples of positive effects in local biodiversity and ecological restoration.

⁸ http://ec.europa.eu/environment/nature/natura2000/management/docs/Wind_farms.pdf