



Permits for building wind farms in Sweden

This fact sheet gives an overview of the permits that are or may be required when building wind farms in Sweden.

OVERVIEW OF PERMITS

Various permits are required under several acts of Parliament;

- Permit for environmentally hazardous activities (chapter 9 of the Environmental Code)
- Permit for activities that affect water (chapter 11 of the Environmental Code)
- Access permit to public water from the Legal Financial and Administrative Services Agency (*Kammarkollegiet*)
- Natura 2000 permit (chapter 7 of the Environmental Code)
- Exemption from shoreline protection (chapter 7 of the Environmental Code)
- Building and planning permit (the Planning and Building Act)
- Electricity concession (the Electricity Act)

PERMITS UNDER THE ENVIRONMENTAL CODE

Environmentally hazardous operations and activities affecting water

Onshore wind farms with electricity output capacity of more energy than 25 MW require a permit for environmentally hazardous activities. For wind farms with capacity with less than 25 MW, notification shall be submitted to the regulatory authority.

Offshore wind farms always require a permit for environmentally hazardous activities, regardless of capacity. Offshore wind farms also need a permit for activities that affect water. An access permit (*rådighetstillstånd*) from the Legal Finan-

IN BRIEF

- Permit procedure starts with initial notification of a wind farm project
- Most shores in Sweden are protected from construction activities - an exemption is therefore often required

cial and Administrative Services Agency is also required for wind farms planned to be built in a public water area.

A right of disposition to public water is a prerequisite for obtaining an environmental permit for offshore wind farms. Consent from landowners is also required. Water areas that are within 300 meters from shore are generally considered to be part of real property and thus privately owned. Hence, all owners of real property affected by the installation of a power line must give their consent. Such consent is normally evidenced by agreements. If these consents are not given it may be possible to obtain a compulsory right to use such real property via easements (*servitut*) or utility easements (*ledningsrätt*).

Permit procedure starts with initial notification of a wind farm project to the regulatory authority. Notification is then followed by consultations (*samråd*) with the County Administrative Board (*Länsstyrelsen*), the regulatory authority and individuals affected by the project. It is important that consultations are carefully arranged. The Environmental Impact Assessment report (EIA report, *miljökonsekvensbeskrivning*) is partly based on views expressed during these consultations. The EIA report must contain an overall assessment of all possible environmental impacts related to the project. It should be stressed that an insufficient EIA report that fails to assess

overall environmental impacts is a ground for the Environmental Court to dismiss the entire application. Hence, the operator must arrange far-reaching assessments of all possible environmental impacts.

Natura 2000 permit

A separate permit is required under chapter 7 of the Environmental Code if the wind farm project will significantly impact on a Natura 2000 area. The permit is issued by the County Administrative Board.

Exemption from shoreline protection

As a general rule in Sweden, most shores are protected from construction activities. An exemption is therefore required for construction and installation of cables in any area with such protection. An exemption may be granted if the construction or installation does not impede or prevent public access to the protected area and does not considerably worsen living conditions for animals and plants. Exemptions are granted by the County Administrative Board.

PERMIT UNDER THE PLANNING AND BUILDING ACT

As of August 1, 2009, a building permit (*bygglov*) is no longer mandatory under the Planning and Building Act if the wind farm or turbine requires a permit under chapters 9 or 11 of the Environmental Code. Some transitional provisions exist but have limited practical effect. A building permit is still required in cases where the wind farm or turbine requires sole notification to the regulatory authority.

The Planning and Building Act requires a building permit. Permits are issued by the Municipal Building Committee (*Byggnadsnämnden*), which normally requires an adopted Detailed Plan (*detaljplan*) of the area to be in place before it can issue a building permit. Hence, a planning process to adopt a Detailed Plan of the area must proceed before a building permit is issued.

CONCESSION UNDER THE ELECTRICITY ACT

A concession (*nätkoncession*) is required for the installation and operation of high voltage power lines from the wind farm to the connection point in the electricity network. If the owner of the network cannot connect the wind farm to the existing network, a concession will only be granted if the power line is considered appropriate from a public perspective (*nätkoncession för linje*). The application must include an EIA report. Concessions are issued by the Swedish Energy Agency.

PERMIT UNDER THE SWEDISH ECONOMIC ZONE ACT AND CONTINENTAL SHELF ACT

It should be noted that offshore wind farms built in the Swedish Economic Zone require a separate permit issued by the Swedish government (see the Swedish Economic Zone Act). Furthermore, an additional permit, also issued by the Swedish government, is required for laying cables on the continental shelf outside Sweden's territorial limit.

USEFUL CONTACTS

Government authorities

Legal Financial and Administrative Services Agency (*Kammarkollegiet*)

P.O. Box 2218
SE-103 15 Stockholm
+46 8 700 08 00
www.kammarkollegiet.se

The Legal Financial and Administrative Services Agency is a government agency with legal, financial and administrative tasks. It has more than 200 employees.

County Administrative Board (*Länsstyrelsen*)

www.lst.se
The County Administrative Board is a government authority that exists in close proximity to the people in each county. Sweden comprises 21 counties, which are in turn divided into municipal areas.

Swedish Energy Agency (*Energimyndigheten*)

P.O. Box 310
SE-631 04 Eskilstuna
+46 16 544 2000
www.swedishenergyagency.se
The Swedish Energy Agency is the national authority for energy policy issues in Sweden. It has more than 250 employees.