



Friendly
reminder

Amendment
to the Wind Power
Investment Act to come
into force on 23 April 2023

April 2023

Modification of the 10h rule and rules on residents' use of energy

The amendment makes significant changes, and these include requirements regarding the local zoning plan.

Local zoning plan

Local zoning plans adopted after 23 April 2023 must specify hitherto non-compulsory parameters for a wind power plant, including, the maximum diameter of the rotor, including blades, or the maximum number of wind power plants in the area.

*The 10H rule has been amended, and now states that a **local zoning plan** may provide for a derogation from the standard distance (specified in metres), but not less than **700 metres**.*

*It will be possible to construct a wind power plant at a distance of **700 metres from residential buildings** if the local zoning plan allows, however this entails additional obligations, such as conducting a strategic environmental impact assessment.*



10H

rule

700

metres

23.04.2023

comes into force

Minimum distances

The amendment also states minimum distances between wind turbines and transmission lines, and introduces new requirements regarding the operation of wind turbine components, punishable by a fine imposed by the President of the ERO.



How to become a virtual prosumer

In light of this amendment, legislation which will come into force on **2 July 2024** also needs to be monitored.

This will impose an **obligation on the developer** of a wind power plant to allocate **at least ten per cent of the installed capacity of the plant to the residents** of the municipality so that they can **become virtual prosumers**.



An announcement that a share can be taken up in the installed capacity will have to be made at **municipal level**, and a resident of the municipality will be able to declare their intention to **take up a share of no more than 2kW** of installed capacity for each of their own energy consumption points.

It will be possible to become a virtual prosumer after signing the relevant agreement with the investor and paying a fee for the share in the wind power plant's installed capacity.

Local zoning plans to be adopted by a nearby municipality.

A new development in the amendment is the definition of nearby municipality.

This is a municipality of which any territory is located at a distance of less than ten times the maximum total height of a given wind power plant located in another municipality.

In such a case, construction of a wind farm will be conditional upon the adoption a local zoning plan by the nearby municipality.

When the law is changing, business needs to navigate.

The amendment eases the 10H rule somewhat, but the inevitable challenge will be the business integration of the new regulations into the planning and preparation of bankable investment conditions, including the acquisition of permits and the securing of foreseeable contracts.

This is especially important considering the changing regulatory environment, the planned changes in zoning and construction law, and the inevitable contract indexation in the coming years.



We will keep you posted about the latest legislative developments.

Should you have any questions we look forward to hearing from you.

Contact

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