

Local Permitting

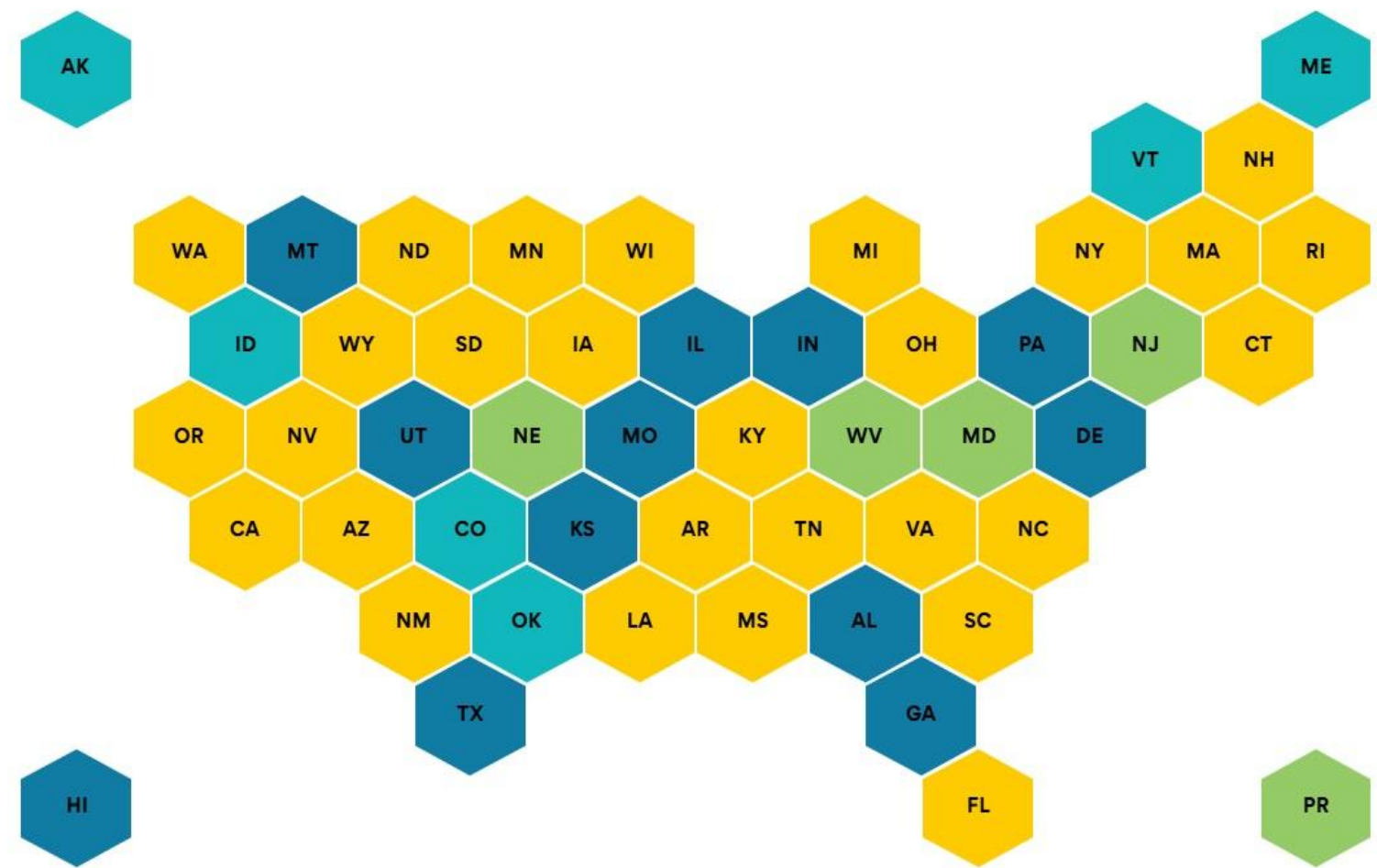
Combatting Weaponization of the Process

The local process is getting harder and harder....

Siting Policies and Permitting Authorities by State

Primary authority for large-scale, land-based solar and wind project siting for U.S. states and Puerto Rico

Local State Both Contingent



"Laws in Order: An Inventory of State Renewable Energy Siting Policies" (2024)

Quick Facts

- Approximately 73% of contested projects between 2010-2021 contested only at the state or local level²
- Only 25% of wind and 17% of solar projects contested at federal level²
- Local zoning/ordinances and community opposition comprise 2 of the top 3 leading causes for wind and solar project cancellation³

Why Target the Local Process?

Local/State Permitting

- No to low cost
- Quick timeframe (days/months)
- Easy access to decision-makers (public meeting)
- Local influence (emotional bias)
- Public forum (allows ANY/ALL public input)

Federal Permitting

- Expensive (legal support)
- Long duration (lawsuits = years)
- Multiple court dates /venues
- Little to no local influence
- Subject Matter Expert Witnesses

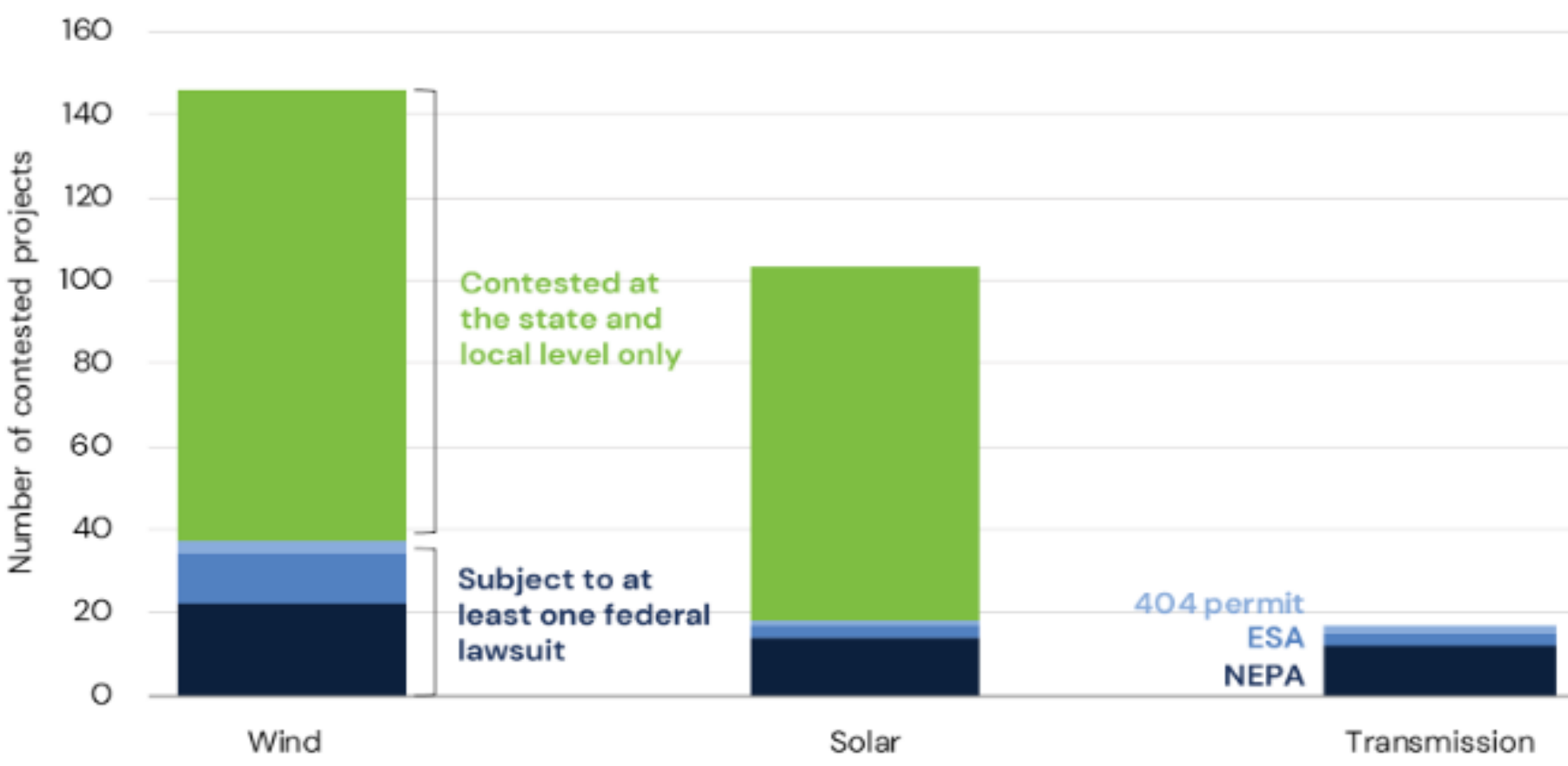
Hot Topics for Opposition

- Effect on Neighboring Property Values
- Fire / Emergency Response
- Environmental/Contamination/Toxic Substances
- Interpretation/dispute of local ordinances, setbacks, public notification process
- Loss of community/aesthetics/cultural & historical value

Strategies for Success

- Comprehensive review of local and state zoning/development ordinances and setbacks.
- Do the homework; go to the site; get to know the community.
- Engage with local stakeholders early; define sources of potential opposition.
- Incorporate local ordinance/setback requirements and environmental constraints early on during the design process.
- Partner with a local advocate or landowner.
- Conduct a comprehensive review/comparison of property values in the surrounding area vs. comparable projects/locations.
- Use public hearings to control the narrative by being prepared for opposition.
- Prepare visual simulations.
- Prepare handouts with references (property values, fire, noise, etc.)
- Have alternatives/concessions in mind.

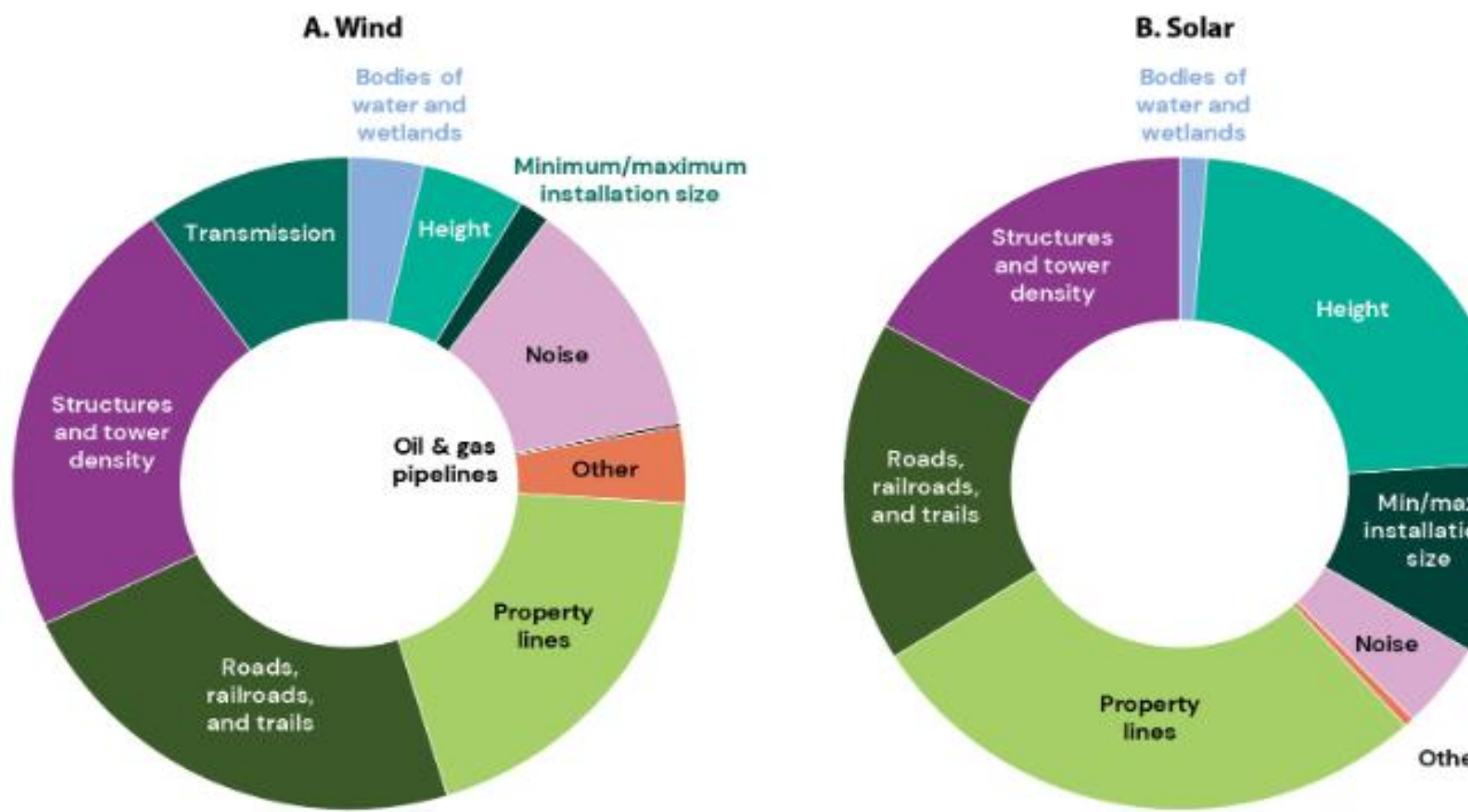
Number of contested projects, by federal or state and local action, 2010–23



Source: Adelman 2023.

Note: Blue projects experienced at least one federal lawsuit but may also have been contested on state and local levels. Green projects experienced no federal lawsuit. A project can be contested at the state and local via lawsuits or other forms of dissent, such as political actions and stakeholder appeals. ESA stands for the Endangered Species Act. NEPA stands for the National Environmental Policy Act. We visualize table 3 ("Federal Challenges to Renewable & Transmission-Line Projects by Statute") as a portion of total contested projects ("Specifically, 146 wind projects (31.3 GW [gigawatt]), 103 solar projects (4.8 GW) and 16 transmission lines") from Adelman (2023). Adelman clarified one additional transmission line was added after the original publication.

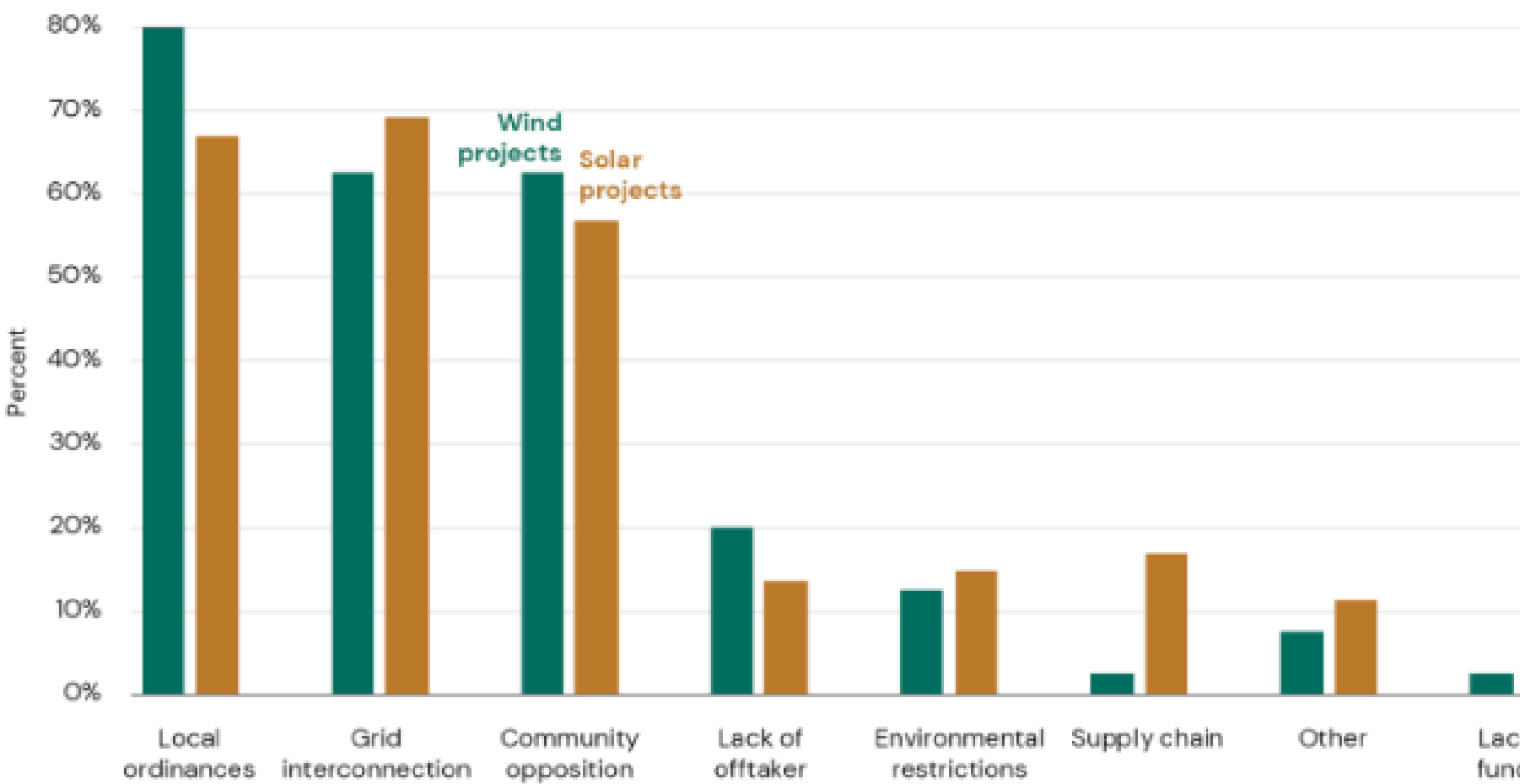
Distribution of local ordinances, by primary guideline type, 2024



Source: National Renewable Energy Laboratory (NREL) 2024a, 2024b; authors' calculations.

Note: Only 68 percent of ordinances can be categorized. NREL classifies ordinances of multiple types (e.g. Property lines, Height, and Noise) by the primary type (e.g. Property lines). Bans and moratoria are classified as Other. See the technical appendix for additional information.

Leading causes of cancellation for wind and solar projects, 2016–23



Source: Nilson, Hoen, and Rand 2023, p. 11.

Note: The sample consists of responses from 123 industry professionals from 62 companies, together responsible for about half of wind and solar capacity from 2016 to 2023. There are 88 solar projects and 44 wind projects. Respondents reported the top three reasons that a project was cancelled.

References

¹Adelman, D. (2023). *Permitting Reform's False Choice*. Working Paper. Available at SSRN: <https://doi.org/10.2139/ssrn.4540734>

²Bauer, L., Edelberg, W., Greene, C., Howard, O., Zou., L. (2024). *Eight facts about permitting and the clean energy transition*. The Hamilton Project, Brookings Institution, Washington, DC.

³Enterline, S., Valainis, A., Hoen, B. (2024). *Laws in Order: An Inventory of State Renewable Energy Siting Policies*. RAP Partners. U.S. Dept. of Energy.

SITING+ PERMITTING



Micah Beard, Environmental Permitting Lead
4020 Bryant Irvin Rd
Fort Worth, Texas 76109
Micah.Beard@westwoodps.com
www.linkedin.com/in/micah-beard-13914459



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