



**Unie
komunitní
energetiky**

How to get citizens and local governments on your side when building RES?

**Reducing the risk of project
rejection by locals**

Proceedings of the Seminar

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**How to get citizens and local governments on your side when building RES?
Reducing the risk of project rejection by locals**

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Foreword

The development of renewable energy sources is hindered by a number of obstacles that the municipality, investor or simply those interested in renewable energy sources (RES) are unable to influence and overcome. But there are also obstacles that we impose ourselves.

This is usually the non-acceptance or resistance to the project by local people. Experience has shown that by honest communication and involving local people in the planning process, public scepticism towards the project can be translated into acceptance and support for RES construction.

Members of the Community Energy Union (UKEN) already have experience in communicating and participating in RES projects. They know from experience that it is far from easy, so we organized a seminar with them and other guests

on “How to get citizens and local governments on your side in the construction of RES? Reducing the risk of project rejection by locals”.

In order to benefit from this event, we have compiled a short collection of individual presentations. Please note that the text was not written by the speakers themselves, but is a report written by the UKEN coordination team. We hope it will help you to navigate the issue and guide you forward.



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Cooperation agreements between municipalities and wind plant developers

Jiří Nezhyba, attorney at law and partner Frank Bold Advokáti

Jiří Nezhyba has more than 15 years of experience in the legal aspects of renewable energy plant construction. He is most interested in and supportive of the construction of wind farms. He devoted his presentation to cooperation agreements between municipalities and developers, which he considers a useful tool for defining mutual relations and the boundaries of cooperation.

In practice, he has encountered many situations where the construction of a renewable energy source fell through, for example due to poor communication, expectations or a change in political representation. Jiří Nezhyba therefore argues that “a truly well-designed contract is very likely to prevent the municipality or the investor from ceasing to comply with it.”

He presented options for the preparation and implementation of the project in different phases, so that both parties were satisfied and did not feel too tied down from the beginning. The first thing he recommended was that the investor should present its intention to the municipal administration and then conclude a letter of intent, i.e. an agreement on future cooperation, which aims to facilitate the investor’s exploration of sites in the municipality and evaluation of their potential for use. The municipality

can use this time to define its requirements and communicate with the locals.

The municipality does not commit itself to support the construction of wind power plants at that point, but promises under contract that for a certain period of time, it will negotiate the possibility of siting a potential project exclusively with the given investor. Simultaneously, the municipality and the investor have time to further present the project to the citizens and explain the pros and cons. There is the option of holding a poll or a local referendum, but be warned, as the results are legally binding for at least two years (in Czech Republic). Only after this period has expired can a new referendum be held on the same issue.

The second stage of preparation – after the suitability of the site has been examined – is the conclusion of the cooperation agreement itself, in which the

municipality and the investor can undertake various commitments. Take a look at their possible examples:

COMMITMENTS OF THE INVESTOR	COMMITMENT OF THE MUNICIPALITY
<p>Provide the municipality with a one-off or recurring remuneration,</p> <ul style="list-style-type: none"> the parameters of which are define the agreement (e.g. X CZK per 1 MW of installed output) + % remuneration from the annual project yield on the municipality's land. Alternatively, it is possible to agree on the municipality's share in the company that will operate the RES. 	<p>Provide assistance, in particular</p> <ul style="list-style-type: none"> actively support the project within the scope of its autonomous operation (applies to EIA, development (changes) of the zoning plan, location and permitting of the project, final approval).
<p>Otherwise participate in the development of the municipality, e.g.:</p> <ul style="list-style-type: none"> Ensure long-term supply of electricity at a fixed price. Offer the municipality a share in a joint venture. Create an energy community for electricity sharing. 	<p>Tolerate project implementation in its territory and refrain from any action that would prevent, hinder or delay permitting, construction or operation of the project.</p>
<p>Bears the costs associated with the procuring a change to the zoning plan.</p>	<p>Take the necessary steps to ensure that the new or amended zoning plan enables the siting and operation of the project in the municipality's territory.</p>
<p>Inform the municipality about the current status of preparation and ongoing public permitting procedures concerning the project.</p>	<p>If the investor needs municipal land to construct and operate the project, the municipality undertakes to allow the investor to use the land on the basis of separate contracts and for the fee customary on the market.</p>

The construction of wind power plants is naturally subject to the municipality's consent as to where it is to be built. However, there may be situations where neighbouring municipalities need to be addressed. "If the wind turbine is on the border of the cadastral area, it is more than advisable to conclude a contract with the neighbouring municipality or to include it in a joint contract," says Jiří Nezhyba, reassuring the audience that even in the context of the amendment to the Energy Act Lex RES I, mayors have little to worry about.

"There are arguments that thanks to Lex RES I, it is now possible to bypass the municipality entirely when building a power plant. But the issue cannot be viewed so simply. While this does amendment allows for the siting of a renewable energy sources without a zoning change, it must be consistent with the character of the undeveloped area. It needs to be examined comprehensively. I think it is important that the municipality always agree with the investor on the possibility of siting the power plant project on its territory, and the cooperation agreements provide the space for this," concluded Jiří Nezhyba in his speech.

Three key takeaways from the presentation

- 1 Holding a referendum can be a good thing, it is the timing that is important. It is essential to provide residents with all the information about the project and its positive and negative impacts in a transparent manner.
- 2 The cooperation agreement does not exist in a vacuum, but is only concluded after the investor has surveyed the site and explained the plan to the local community.
- 3 Make sure that the cooperation agreement is balanced and beneficial for the municipality, the citizens and the investor.



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Start with a small project to show people that the technology is reliable and safe

Michal Vychroň, Mayor of Prosetín

Prosetín is a former stone quarry village with many flooded quarries, which is currently governed by Michal Vychroň. A mayor determined to provide for his community in all aspects, including energy. He strongly recommends that developers learn something about the village before presenting their plans for RES development.

Michal Vychroň has extensive experience with mayoralty and recommends a combination of open communication with the locals and a determination to just get things done. In order to “persuade” the inhabitants of Prosetín to try solar technology, he built a bus stop in the village with a photovoltaic panel, battery, lamp and mobile phone charger.

The younger generation charges their smartphones while waiting, and the older generation likes the fact that it’s the only thing lights up when the power goes out in the village. Mayor Vychroň adds: “Thanks to this, locals can see for themselves that solar technology is actually safe and independent of central power cuts.” He said people quickly came to like the new bus stop and became curious about what other energy projects could be built in the village.

He communicates with the locals in every way possible. Naturally, Prosetín has an official bulletin board and website, but he is also very active on Facebook, sharing all the news about what is happening in the village. He also uses more traditional forms of communication, speaking to people at the local pub about what else he would like to do for Prosetín and its inhabitants. “It’s essential to build long-term relationships between people. You can’t just want to make money out of it,” he says.

As a result, he can now take the liberty of considering significantly larger installations than the bus stop, which he plans to implement with ČEZ ESCO. He also warns developers and large businesses that they must communicate their intentions with the municipality as a partner and work on a relationship of trust.

He recommends that developers learn something about the community first, before asking for a building permit. "I'd rather talk to a developer who knows that Prosetín is famous for its granite mining, than to someone who demands a building permit with only numbers to negotiate with." He noted that by its nature, a municipality does not make decisions based solely on economic convenience, because it provides a number of public services.

Developers, he said, can stop by the town council, for example, to gauge the mood in the community and choose which councillor to approach with their plan. It

is then up to the mayor or councillors to ensure that there are real benefits for the locals, and to explain them well.

"It's also a question of how big your project is. In our case it's 5 × 5 MW of wind turbines and large photovoltaics. This means large surpluses and it is definitely worth negotiating a favourable supply contract. Even without the distribution fee. That's worth its weight in gold. Also seek assurances that implementation of the project will give work to local businesses and tradespeople. Nonetheless, if the municipality doesn't want it, there's no changing it. Everyone in the area must feel the benefits."

Three key takeaways from the presentation

- 1 Start with a small project and demonstrate it to people, or better yet, let them use it.
- 2 Negotiate real advantages with the developer if it wants to build a large RES plant in your area.
- 3 Communicate with people often and transparently, even on Facebook. Don't lie to them.



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My neighbour has it, I want it too! Participatory research for setting conditions for community energy in the Czechia

Wojciech Belch, Team Leader at UCEEB, CTU

Wojciech Belch is the head of the participatory planning and design team at the University Centre for Energy Efficient Buildings of the CTU. Thanks to the support of the Technology Agency of the Czech Republic, he and his colleagues focus on identifying the needs and attitudes of stakeholder groups in order to set the conditions for the creation and development of community energy in the Czech Republic

Wojciech Belch introduced the concept of NIMBY (not in my backyard) in the contemporary context, explaining the variations and reasons for this attitude. You will encounter arguments that renewables have negative externalities. Wind turbines spoil the landscape, hurt animals or generate noise. Solar panels spoil historic buildings, biogas plants stink, and heat pumps are noisy. “What is interesting is that specific surveys do not entirely confirm this, and interesting paradoxes are emerging. For example, the NIMBY inversion, which means that if a wind turbine is built at a smaller distance, resistance to it can be reduced thanks to public participation,” added Wojciech Belch.

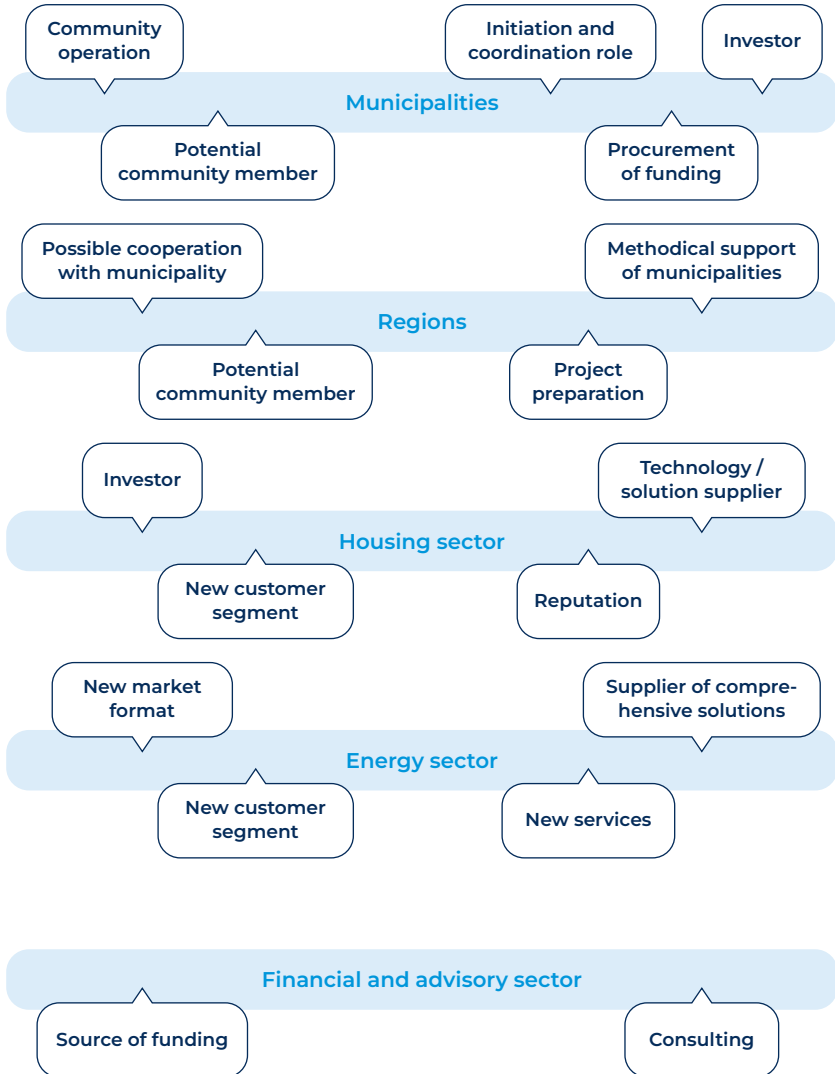
According to the EU concept, community energy needs several preconditions for its development:

- low entry and exit barriers,
- energy sharing,
- ownership in the hands of local community members, their effective control and non-profitability,
- fair share of the costs incurred for the distribution system
- and the availability of information and financial instruments.

To determine whether these assumptions are sufficient, Belch's research team mapped stakeholders and their interests.

Who cares about community energy?

Analysis of stakeholders and their interests



Of all the groups contacted, municipalities and their associations were the most active, followed by regional representatives, so it was not at all difficult to get a suitable number of representatives from these groups. On the contrary, the interest in the financial and consultancy sector was rather low, corresponding to the fact that this is an issue that these entities deal with only marginally. "As far as the needs and interests of the individual groups are concerned, we did not find that they were outright contradictory, but rather that they sometimes represented, so to speak, disjunctive sets. However, we believe that even in these cases, it is the involvement of these very groups in the design of the final solution that can lead to a satisfactory outcome for all."

Wojciech Belch also introduced the audience to the barriers that the Czech Republic will have to overcome on the road to community energy, dividing them into organizational, value, market and technical barriers. The primary issue at present is legislation, but in practice we see that human resources, capacity and quality of installation companies, or deterrent examples from the past (energy scammers) are a big problem. Many of these barriers also have a communication dimension, so the main topics will include the process of establishing an energy community, examples of good and bad practice, and an open approach to the negative impacts of new renewables.

Three key takeaways from the presentation

- 1 Do not gloss over the negative externalities that solutions generate, communicate them fairly and, by involving those who are affected, reduce resistance to the solution itself.
- 2 When designing solutions, work with groups of citizens and entities that will be impacted by these solutions. The better we define their needs and attitudes in the design phase, the easier it will be to implement the final solution.
- 3 RES-based community energy is already happening, practice is ahead of legislation and technical barriers are now much lower than organisational, knowledge or value barriers.



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Successful dispute facilitation. We don't have to agree on everything

Ondráš Příbyla, Director of Fakta o klimatu (Facts on Climate Change)

Today, Ondráš Příbyla leads a team of climate change experts, but he also has experience in dispute resolution. That is what his contribution was about. He also pointed out that although we have unlocked the potential of photovoltaic power plants in the Czech Republic, wind energy is much more important for us now. It is, after all, the construction of wind farms that very often suffers from the NIMBY effect.

A common assumption people make is that they need to convince others of their option in order to implement something. According to Ondráš Příbyla, this is not the case. He advised the seminar participants to always present multiple options to the public, to put them in context and to tell them as a story.

There are usually many answers to the question of what the future holds for the municipality. This will show people what options the municipality has for the future. As a rule, they can identify the scenario that nobody wants, and you can then talk about how to avoid that scenario.

“You don't need people to have a clear preferred destination. But they should have a story map of how the future may unfold. They need something to discuss,” says Ondráš Příbyla, adding that “even people who disagree can have constructive conversations with each other.” Moreover, thanks to the storyline, they will identify with their preferred version of the future.

Community energy or the construction of a wind farm with benefits for local residents can indeed be the success story for the future of a community.



Three key takeaways from the presentation

- 1 Don't try to convince people of your one truth and option. This only deepens the trenches.
- 2 Create variants of the future and translate them into a story. Community energy can be one such positive story.
- 3 Remember that even people who disagree with each other can have constructive conversations.



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Participatory approach to public projects

Michaela Švandová, Program Manager at the Via Foundation

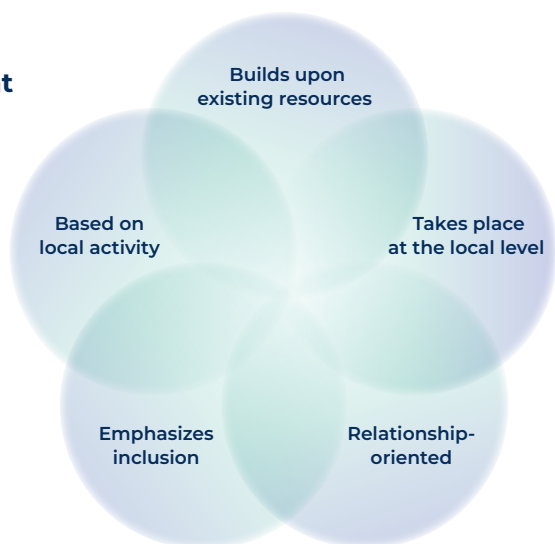
Michaela Švandová is in charge of the Via Foundation's program 'Where We Live' and 'Fear Not Municipal Politics'. She introduced the participants to the principles of public involvement in decision-making about the place where they live. She stressed the importance of participation for the acceptance of projects by the community and focused on examples of good practice.

Michaela Švandová opened her contribution by stating that "the public is an expert on its own needs." For successful public participation that results in the adoption of a municipal or community energy project, it is crucial not only to

ask people, but to actively listen and give them real power over decision-making throughout the process. She stands by the idea that "in the long run, a workable solution resulting from honest participation saves people, money and time."

ABCD, five principles for community development

The Via Foundation is bringing an approach called Asset Based Community Development (ABCD) to the Czech Republic. According to the Via Foundation, it is the perfect concept for the development of community energy.



If you want to start a community or municipal energy project, Michaela Švandová recommends thinking through the process and starting with a situation analysis. This should consist mainly in mapping the local community and the locality itself – local associations, active people (so-called community movers and shakers), non-profit organizations or local companies, but also the relationships between people in the municipality. Specifically for community energy, it is possible to collect consumption data or e.g. identify suitable areas for the installation of renewable energy sources.

“Don’t participate just so you can check it off as done. You need this information. Use different tools to explain the venture and provide all the relevant information. Write about it in the local periodical, use municipal channels, the web, social networks, public bulletin boards, set up an information stand in the village and organise neighbourhood events. Communicate the venture clearly and in time, identify and win over people who have influence over the opinions of others. Offer solutions to meet the needs of local people,” Michaela Švandová sums up the rules for successful participation.

Benefits and risks of participation

BENEFITS	RISKS
Opening up discussion, clearing the air, removing fears, reaching out to people and inclusion.	A longer and more demanding process, especially in terms of human resources and time capacity.
Creating a long-term, sustainable and functional solution.	Negative precedent for further participatory activities if the process is not defined correctly.
Creation of healthy relationships for further cooperation.	Participation just for show or for positive PR. You have to give people the power to actually decide.
Strengthening cohesion with the place and the project. Lower rates of vandalism.	Strong individual interests. Must be treated by an independent facilitator.

“Thanks to well-defined participation, you often find that cooperation or acceptance of a new project is prevented by problems that are not related to your venture at all. For example, we once had a neighbourhood meeting prevented by

a stray dog that threatened local people. The local associations had to ensure its capture before the process of participation could get started,” Michaela Švandová gives a specific example.

Three key takeaways from the presentation

- 1 Start with a situational analysis in the community. What is the consumption and potential for production? What is the public mood? Who are the main stakeholders and what tools can you use to actively involve the public in decision-making?
- 2 Is your project unsuccessful with the public? Try to determine whether an unrelated problem is preventing cooperation and resolve it. There may also be a lack of transparency between the municipality and the investor.
- 3 Invite an independent facilitator to guide you through participation. Don't push the envelope and start with a small, simple project.



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