



Solar Power Plants: The Government proposes amendments to the Energy Act and the Planning and Building Act



Anders Hilt
Lead Lawyer

On 19 December 2023, the Norwegian government issued a consultation paper for proposed amendments to the Energy Act and the Planning and Building Act related to solar power plants to improve the local municipalities control of the approval of such projects. The proposed amendments align solar power plants with the recently enacted legislative amendments for onshore wind power and will, if adopted, mean that the case processing for ground-mounted solar power plants will be the same as for the development of onshore wind power.

In connection with the legislative process to adopt the amendments for the application process for the development of onshore wind power, several stakeholders raised questions to whether the same changes should also be introduced for ground-mounted solar power plants, as such plants were of a similar area-demanding nature. In connection with adoption of the amendments for onshore wind power, the Norwegian parliament also passed a resolution asking the government to submit a proposal for incorporating ground-mounted solar power plants into the Planning and Building Act before the end of 2023.

The consultation paper is the result of this process and the proposed amendments to the Energy Act and the Planning and Building Act are briefly as follows:

- Facility licenses for a solar power plant pursuant of the Energy Act cannot be granted until the project is in accordance with the relevant zoning plan
- The Norwegian government may no longer declare a facility license pursuant of the Energy Act as a binding area zoning plan, but may still adopt state area plan if necessary
- The amendments introduce a requirement for an area zoning plan for solar power plants and the preparation and costs of processing this area zoning plan may be imposed on the developer
- The amendments include a proposal to allow parts of the zoning process to be carried out by the energy licensing authority (after consultation with the municipality) for efficiency reasons
- The municipality is deprived of the authority to revoke or amend zoning plans for areas where a facility license has been granted and the deadline for commencing construction has not passed

The proposal entails that the municipality will have the authority to decide whether solar power plants is to be established in their municipality. The consultation closes on January 31, 2024.

Services Planning, Zoning and Building

Sectors Energy and Natural Resources
