

Legal Alert

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Amendment of the “Wind Farm” Act – key changes and their significance

On 21 March 2025, the Council of Ministers adopted a draft amendment to the Act on Investments in Onshore Wind Farms (“**Wind Farm Act**”, draft no. UD89). The proposed changes aim to introduce a long-awaited liberalization of regulations concerning the location of onshore wind farms, facilitating the acceleration of wind energy development in Poland.

Changes in the minimum distance requirements for wind farm investments

The amendment modifies the minimum distances at which wind farms can be located in relation to various structures and areas. Below is a summary of selected proposed location distances:

| Structure/Area | Currently applicable distance | Minimum distance under the draft act |
|---|-------------------------------|--------------------------------------|
| Residential buildings and mixed-use buildings | 10H / 700 meters | 500 meters |
| National Park boundaries | 10H | 1,500 meters |
| Natura 2000 areas (selected areas) | <i>No regulations</i> | 500 meters |
| National roads | <i>No regulations</i> | 1H (turbine height) |

Simplification of procedures for locating wind farms

The draft act also simplifies the planning process for wind farms and standardizes regulations within the Spatial Planning and Development Act (“SPDA”). The proposed change consolidates the rules for drafting local zoning plans that enable the construction of wind energy projects within a single act (SPDA) and eliminates redundant consultation requirements. It also introduces new definitions into the SPDA, such as “wind farm” and “adjacent municipality”.

Moreover, if residential buildings are not permitted under the current local zoning plan for a given area, this will be

a sufficient basis for constructing a wind farm on that site. In such cases, municipalities (including adjacent municipalities) will not be required to draft new local zoning plans.

The amendment also makes it easier for wind energy investments carried out under Integrated Investment Plans (“IIP”). For instance, it allows the construction of supplementary investments based on IIP in an adjacent municipality (which is not currently possible - supplementary investments have to be carried out within the same municipality as the main investment).

Repowering – modernization of existing turbines

With the 20-year lifecycle of Poland’s first wind farms soon ending, a large-scale modernization (so-called repowering) is necessary. The new regulations establish appropriate procedures for investors. If the local zoning plan allows for modernization, investors may do so without the need to amend the plan.

However, if the modernization involves increasing the turbine’s dimensions beyond those specified in the plan or if the wind farm was originally developed based on a zoning decision, a full planning procedure will be required, concluding with the adoption of a new local zoning plan.

Repowering and environmental decisions

As a general rule, to carry out the process of repowering, investors must obtain a new environmental decision. However, the amendment introduces preferential conditions for modernizations aimed at increasing installed capacity by no more than 20% if the project’s impact area does not expand beyond the scope of the previously approved project. In such cases, the competent authorities will assess only the extent of changes in the project’s negative environmental impact.

If the modernization results solely in a change in installed capacity without altering the turbine’s dimensions (e.g. total height of the wind farm, maximum rotor diameter), a new environmental decision will not be required if the modernization does not change the operational conditions set in the previously issued decision or ruling (as referred to in Article 90(1) of the Environmental Assessment Act, if applicable), and does not increase the existing noise emission levels.

Rewarding local communities

The draft act aims to expand the eligibility for virtual prosumer status to residents of adjacent municipalities, allowing them to benefit from newly built wind farms. Additionally, investor obligations have been clarified, including the requirement to provide a standard contract template for residents to acquire shares in the total capacity of a wind farm.

The new regulations also enable municipalities themselves to become virtual prosumers, allowing them to benefit from the energy wind farms produce. This mechanism is intended to incentivize municipalities to adopt local zoning plans for wind energy investments.

Legislative stage

The draft act was adopted by the Council of Ministers on 21 March 2025 and has been submitted to the Parliament for further legislative work.

How can we help?

- Support at every stage of renewable energy investments, including wind farms
- Assistance with amendments to local zoning plans
- Guidance in obtaining the necessary administrative permits

Contact us!



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