

PROVINCIAL LAW GAZETTE FOR UPPER AUSTRIA

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No XX Ordinance:	Spatial planning programme of the Upper Austrian Provincial Government regarding Part 1 of the spatial energy planning for the construction of wind power stations and free-standing photovoltaic systems (Upper Austrian Spatial Energy Planning Ordinance Part 1 - Exclusion zones)	

Spatial planning programme

of the Upper Austrian Provincial Government regarding Part 1 of the spatial energy plan for the construction of wind power stations and free-standing photovoltaic systems (Upper Austrian Spatial Energy Planning Ordinance Part 1 - Exclusion zones)

By virtue of Section 11(1) and (2) of the Upper Austrian Spatial Planning Act 1994 (Upper Austrian ROG 1994), Provincial Law Gazette No 114/1993, as amended by the Provincial Act published in Provincial Law Gazette No 14/2025, the following is hereby ordered:

§ 1
Preamble and objectives

- (1) The Province of Upper Austria is committed to holistic spatial energy planning that takes into account both the interest in accelerating the expansion of renewable energies, in particular in the fulfilment of its obligations under EU law, and the interest in preserving areas that are particularly sensitive in terms of nature conservation and landscape. This is achieved in Part 1 by defining exclusion zones for the construction of wind power stations and free-standing photovoltaic systems and in another ordinance in Part 2 by defining acceleration areas for the construction of wind power stations and free-standing photovoltaic systems.
- (2) The aim of this Ordinance is to define areas where the construction of wind power stations and free-standing photovoltaic systems is prohibited (exclusion zones).

- § 2**
Prohibition of the construction of new wind power stations and free-standing photovoltaic systems
- (1) In the areas of the exclusion zones defined in the Annexes, the construction of new wind power stations and free-standing photovoltaic systems is not permitted.
- (2) By way of derogation from paragraph 1, the construction of new wind power stations and free-standing photovoltaic systems shall be permitted:
- for stations or systems with a module area of up to 50 m²,
 - for stations or systems required pursuant to Section 30(5), first sentence, of the Upper Austrian Spatial Planning Act 1994 to allow the use of grazing land as intended,
 - for stations or systems pursuant to Section 21(5), final sentence, of the Upper Austrian Spatial Planning Act 1994, and
 - for the modernization (repowering) of existing wind power stations and free-standing photovoltaic systems.

§ 3

Prohibition of rezoning areas for wind power stations and free-standing photovoltaic systems

In the areas of the exclusion zones defined in the Annexes, the special designation of wind power stations and free-standing photovoltaic systems pursuant to § 30a(3) of the Upper Austrian Spatial Planning Act 1994 is not permitted.

§ 4

Implementation

(1) If the area of a municipality is entirely covered by an exclusion zone defined in the Annex, this shall be indicated by a written reference in the legend of the land use part.

(2) In the other cases, the municipalities concerned must indicate where the boundaries of the exclusion zones defined in the Annex run in the land use part of the land use plan using the following signatures:



Wind power station exclusion zone in accordance with the spatial planning programme of the Upper Austrian Spatial Energy Planning Ordinance Part 1 - Exclusion zones

0.7 mm black border with rectangles facing inwards



Photovoltaic exclusion zone in accordance with the spatial planning programme of the Upper Austrian Spatial Energy Planning Ordinance

Part 1 - Exclusion Zones

0.7 mm black border with triangles facing inwards

§ 5

Entry into force

(1) This Ordinance shall enter into force at the end of the day of its promulgation in the Provincial Law Gazette for Upper Austria.

(2) This Ordinance has been subject to a notification procedure within the meaning of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codified text), OJ L 241, 17.9.2015, p. 1 et seq.

(3) For the purpose of specifying the second sentence of Section 1(1), the areas under examination by the Provincial Government in this regard are set out in Annexes 23 and 24 in order to prepare the determination of the acceleration areas.

For the Upper Austrian Provincial Government:

Achleitner

Member of the Provincial Parliament

Annexes