

18 June 2015

ONSHORE WIND SUPPORT UNDER THE RO TO END ON 1 APRIL 2016

The Department for Energy and Climate Change (DECC) has formally announced on its website its intention to close the Renewable Obligation (RO) to onshore wind projects as of 1 April 2016 – just over 9 months away.

This has been widely foreseen by the industry, and was the subject of a news post on Prospect's site of 11 June 2015.

The DECC announcement (link below) does not give specifics, however it talks of grace periods for projects that have a grid connection agreement, planning consent and evidence of land rights.

This is very similar to the initial grace period offerings in the consultation to close the RO to large-scale solar PV generators published in May of last year, which were the subject of a Judicial Review (JR) challenge by a consortium of industry stakeholders in a case run by Prospect Law. The JR challenge against the solar consultation is currently awaiting a hearing in the Court of Appeal.

We will know more when the consultation on this proposal is published, but it is fully expected that DECC will continue with its retrospective approach that any grace period requirements are met on the date the consultation is published, as was seen with both the May 2014 solar PV consultation and the December 2014 biomass conversion consultations. The legality of this approach remains highly controversial and subject to future legal rulings.

Prospect Law are speaking to a number of onshore wind industry stakeholders in relation to this latest announcement about possible court action by way of a JR challenge.

We will write more when the details become available.

<https://www.gov.uk/government/news/changes-to-onshore-wind-subsidies-protect-investment-and-get-the-best-deal-for-bill-payers>

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