



STOP PRESS - ROYAL ASSENT FOR CLIMATE CHANGE, ENERGY & PLANNING ACTS

We have been keeping practitioners abreast of the Government's proposals on the vital topics for climate change, energy and planning. We are pleased to report that the Climate Change, Energy and Planning Bills received Royal Assent on 26 November. Not all of the legislation is available to be downloaded but that is expected to be remedied in the next few days.

We will provide our commentary on the latest Acts to reach the Statute Books in the coming days but in the meantime you may wish to be reminded that the new pieces of legislation have the following impacts:-

Climate Change Act 2008

The principal thrust of this Act is to set legally binding targets for reduction of UK carbon emissions by at least 26% by 2020 and at least 80% by 2050, compared to 1990 levels.

Key Areas:-

- Requires the Government to publish five yearly carbon budgets from 2008 onwards
- Creates a Committee on Climate Change which will be required to advise the Government on the levels of carbon budgets to be set, the balance between



- domestic emissions reductions and the use of carbon credits, and whether the 2050 target should be amended
- Places a duty on the Government to assess the risk to the UK from the impacts of climate change
- Provides powers to establish trading schemes for the purpose of limiting greenhouse gas emissions
- Confers powers to create waste reduction pilot schemes

- Amends the provisions of the Energy Act 2004 on the renewable transport fuel obligation.

Energy Act 2008

The Energy Act drives forward two long term energy challenges faced by the UK - the reduction of carbon dioxide emissions and ensuring secure, clean and affordable energy, building on from the Energy Review 2006 and the Energy White Paper 2007.

Key Areas:-

- Strengthens the regulatory framework



for offshore gas supply infrastructure to enable private sector investment

- III Creates a regulatory framework to enable private sector investment in Carbon Capture and Storage projects
- III Strengthens the Renewables Obligation to drive greater and more rapid deployment of renewables in the UK
- III Strengthens statutory decommissioning provisions for offshore renewables and oil and gas installations to minimise the risk of liabilities falling to the Government
- III Improves the offshore oil and gas licensing regime in response to changes in the commercial environment and enables DECC to carry out its regulatory functions more effectively
- III Ensures the operators of new nuclear power stations accumulate funds to meet the full costs of decommissioning and their full share of waste management costs
- III Introduces amending powers so that Ofgem is able to run the offshore electricity transmission licensing regime more effectively.

Planning Act 2008

The Act introduces a new system for approving major infrastructure of national importance (harbours, waste facilities, airports) and replaces the current regimes for such projects under several pieces of existing legislation, with a view to streamlining decisions and simplifying practices.

Key Areas:-

- III Strategic infrastructure decisions would be taken by a new Infrastructure Planning Commission based on new national policy statements, under timetabled hearing and decision-making processes
- III The new regime would be used for energy developments like nuclear power
- III The Secretary of State would no longer have the final say on major infrastructure decisions
- III A new Community Infrastructure Levy on developments to finance infrastructure, to raise money from developers to pay for facilities needed as a consequence of new developments, such as schools, hospitals and sewage plants.

The combination of these new Acts will have important effects on how we all do business in the future. For more information on how these pieces of legislation may affect you please contact:-

ENERGY & CLIMATE CHANGE

Andrew Whitehead, Partner

T: 0870 763 1528

E: andrew.whitehead@martineau-uk.com

Catherine Burke, Partner

T: 0870 763 1552

E: catherine.burke@martineau-uk.com

PLANNING & ENVIRONMENTAL

Iain Johnston, Partner

T: 0870 763 1231

E: iain.johnston@martineau-uk.com

Clive Read, Partner

T: 0870 763 1439

E: clive.read@martineau-uk.com

