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# New developments in renewable energy projects in Andalusia

**Act 7/2021 on Promoting Sustainable Land Use (“LISTA”) includes new developments for processing renewable energy projects in Andalusia**

Legal flash – Energy

Tuesday, December 7, 2021



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## Key aspects

- > Implementation of renewable energy installations on rural land is no longer considered an extraordinary implementation.
- > Without prejudice to the other sectoral permits, the implementation on rural land of renewable energy installations will only require the municipal planning license (the prior planning feasibility report will no longer be necessary).
- > Obligation to pay extraordinary planning or compensation fees for energy projects on non-developable land is removed.



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## New developments for processing renewable energy projects arising from entry into force of LISTA

- **Planning feasibility report:** Until now, under the [Urban Planning Act of Andalusia](#) and the [Andalusian Act on promoting the use of energy from renewable sources, energy saving and energy efficiency](#), the implementation on rural land of renewable energy installations required the issuing of a planning feasibility report by the town council within the procedure of the sectoral administrative authorization for the implementation, as a requirement for obtaining the municipal planning license.

LISTA classifies the use of rural land in relation to renewable energy as ordinary use of rural land, meaning that, without prejudice to the other permits required by the sectoral laws, the implementation on rural land of renewable energy installations will only require the municipal planning license, while the prior planning feasibility report will no longer be necessary.

- **Extraordinary planning or compensation fees:** Under the [Urban Planning Act of Andalusia](#), the developers of energy projects on non-developable land had to pay the town council compensation fees of up to 10% of the total investment when applying for the municipal planning license. Under LISTA, the compensation fees are exclusively for extraordinary uses of rural land, meaning that energy projects on non-developable land are no longer subject to this payment obligation due to their new classification as ordinary implementations.

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## Entry into force and transitional regime

- **Entry into force:** LISTA will enter into force on December 23, 2021.
- **Transitional regime:** LISTA provides that its provisions will apply —when interested parties request it— to procedures for obtaining municipal planning licenses that were being processed under the previous regulation.

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