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## How Land Use Issues Factor into Alberta Utilities Commission Reviews of Renewable Energy Power Plants

By: Michael Wenig

**Matter Commented On:** Land use issues in the AUC’s [“Inquiry into the ongoing economic, orderly and efficient development of electricity generation in Alberta – Module A”](#)

This post calls attention to a [Briefing Note](#) I recently wrote, on how the Alberta Utilities Commission (“the Commission”) considers land use issues when deciding whether to approve renewable energy power plants. The Commission is considering these land use issues as part of its current [inquiry](#) into the “ongoing economic, orderly and efficient development of electricity generation in Alberta.”

The Government of Alberta (GoA) directed the Commission to conduct this inquiry to address the rapid growth of renewable energy power plants in Alberta. In the Government’s view, this renewables boom has raised “concerns from rural municipalities and landowners” and generated issues relating to “land use” and “electricity system reliability”. (GoA, [“Backgrounder: AUC pause and inquiry”](#); see also GoA, [“News Release – Creating certainty for renewable projects”, and Order in Council 171/2023](#).)

At the same time, the GoA directed the Commission to conduct an inquiry, the GoA also directed the Commission to hold off issuing any new renewable energy power plant approvals until February 29, 2024 ([Order in Council 108/2023](#)). University of Calgary Law Professors Nigel Banks (Emeritus) and Martin Olszynski posted a critique of the renewables moratorium, [here](#). (Two of the many other critiques can be found [here](#), and [here](#).)

The inquiry’s terms of reference require the Commission to consider five topics and to issue a report with “findings” or “observations” on these topics. (Order in Council 171/2023, Schedule – Terms of Reference, ss 1 and 3(a).) Under those terms of reference, three of the five topics, which I call the “land use issues,” involve “[c]onsiderations” for power plant developments on:

- “specific types or classes of agricultural and environmental land”
- Alberta’s “pristine viewsapes”
- Crown land

(Order in Council 171/2023, Schedule – Terms of Reference, pdf p. 2, ss 1(a), (b), and (d).) The Commission is considering these three topics, as well as a fourth—implementing reclamation security requirements for power plants—in “Module A” of its inquiry. Module B will cover the fifth topic, involving the “impact of the increasing growth of renewables” on “generation supply mix and electricity system reliability.” ([AUC Bulletin 2023-06](#)).

My Briefing Note provides an overview of the Commission’s *current* approach to addressing the land use issues, in the Commission’s review of approval applications for renewable energy power plants. Understanding the status quo is a logical first step for anyone considering whether *new* policies, legislation or other tools are needed to improve Alberta’s management of these land use issues. The Briefing Note is based primarily on my review of many approval decisions issued by the Commission in the last several years and on the legislative framework for the Commission’s approval decisions.

This Briefing Note is a companion to a Briefing Note written by Ecojustice on considerations of reclamation security for renewable energy power plants. (Both Briefing Notes are attached to the Pembina Institute’s November 22, 2023 submission in the Commission’s inquiry, [here](#). Prof. Olszynski also provided a submission in the inquiry, on the reclamation security issue, which he posted [here](#).)

Readers can download my Briefing Note [here](#).

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