STATUTORY RULES OF NORTHERN IRELAND

2016 No. 252

ELECTRICITY

The Renewables Obligation Closure (No.2) Order (Northern Ireland) 2016

Laid before the Assembly in draft

Made - - - - 28th June 2016

Coming into operation in accordance with Article 1

The Department for the Economy ("the Department") makes the following Order in exercise of the powers conferred upon it by Articles 55D and 55EA of the Energy (Northern Ireland) Order 2003(**1**).

The Department has consulted the Northern Ireland Authority for Utility Regulation, the General Consumer Council for Northern Ireland, such generators of electricity from renewable sources in Northern Ireland and other persons as it considered appropriate in accordance with Article 55EB of that Order.

In accordance with Article 66(2) of that Order a draft of this instrument was laid before and approved by a resolution of the Assembly.

Citation, commencement and application

1. The Order may be cited as the Renewables Obligation Closure (No.2) Order (Northern Ireland) 2016 and comes into operation on the day after the day on which it is made.

Interpretation

2.—(1) In this Order—

"additional capacity" in relation to a small onshore wind generating station, means any generating capacity which does not form part of the original capacity of the station;

"grid or radar delay condition", "approved development condition" and "investment freezing condition" have meanings given respectively by Articles 10, 11 and 12;

"small onshore wind generating station" means an onshore wind generating station where the total installed capacity of the station is not more than 5 megawatts;

(**1**) S.I. 2003/419 (N.I.6) Articles 55EA and 55EB were inserted by S.R. 2015/247. Article 66(2) has been amended by S.R. 2015/247.

"licensed network operator" means a distribution licence holder or a transmission licence holder;

"relevant developer", in relation to a small onshore wind generating station or additional capacity, means a person who—

(a) applied for planning permission for the station or additional capacity,

(b) arranged for grid works to be carried out in relation to the station or additional capacity,

(c) arranged for the construction of any part of the station or additional capacity,

(d) constructed any part of the station or additional capacity, or

(e) operates, or proposes to operate, the station;

(2) Expressions used in this Order which are also used in the Renewables Obligation Closure Order (Northern Ireland) 2015(**2**) shall have the same meaning as in that Order.

No certificates to be issued in respect of electricity generated after 30th June 2016 by small onshore wind generating stations

3.—(1) Subject to paragraph (2), no renewables obligation certificates are to be issued under a renewables obligation order in respect of electricity generated after 30th June 2016 by a small onshore wind generating station.

(2) Paragraph (1) does not apply to electricity generated in any one or more of the circumstances set out in Articles 4 to 12.

Small onshore wind generating stations accredited, or additional capacity added, on or before 30th June 2016

4.—(1) The circumstances set out in this Article are where the electricity is—

(a) generated by a small onshore wind generating station which was accredited on or before 30th June 2016, and

(b) generated using—

(i) the original capacity of the station, or

(ii) additional capacity which in the Authority's view first formed part of the station on or before 30th June 2016.

Small onshore wind generating stations accredited, or additional capacity added, between 1st July 2016 and 30th June 2017: grid or radar delay condition met

5.—(1) The circumstances set out in this Article are where the electricity is—

(a) generated using the original capacity of a small onshore wind generating station—

(i) which was accredited during the period beginning with 1st July 2016 and ending with 30th June 2017, and

(ii) in respect of which the grid or radar delay condition is met, or

(b) generating using additional capacity of a small onshore wind generating station, where—

(i) the station was accredited on or before 30th June 2016,

(ii) in the Authority's view, the additional capacity first formed part of the station during the period beginning with 1st July 2016 and ending with 30th June 2017, and

(iii) the grid or radar delay condition is met in respect of the additional capacity.

(**2**) S.R. 2015/346

Small onshore wind generating stations accredited, or additional capacity added, on or before 31st March 2017: approved development condition met

6.—(1) The circumstances set out in this Article are where the electricity is—

(a) generated using the original capacity of a small onshore wind generating station—

(i) which was accredited on or before 31st March 2017, and

(ii) in respect of which the approved development condition is met, or

(b) generated using additional capacity of a small onshore wind generating station, where—

(i) the station was accredited on or before 30th June 2016,

(ii) in the Authority's view, the additional capacity first formed part of the station on or before 31st March 2017, and

(iii) the approved development condition is met in respect of the additional capacity.

Small onshore wind generating stations accredited, or additional capacity added, between 1st April 2017 and 31st March 2018: grid or radar delay condition met

7.—(1) The circumstances set out in this Article are where the electricity is—

(a) generated using the original capacity of a small onshore wind generating station—

(i) which was accredited during the period beginning with 1st April 2017 and ending with 31st March 2018,

(ii) in respect of which the approved development condition is met, and

(iii) in respect of which the grid or radar delay condition is met, or

(b) generated using additional capacity of a small onshore wind generating station, where—

(i) the station was accredited on or before 30th June 2016,

(ii) in the Authority's view, the additional capacity first formed part of the station during the period beginning with 1st April 2017 and ending with 31st March 2018,

(iii) the approved development condition is met in respect of the additional capacity, and

(iv) the grid or radar delay condition is met in respect of the additional capacity.

Small onshore wind generating stations accredited, or additional capacity added, between 1st April 2017 and 31st March 2018: investment freezing condition met

8.—(1) The circumstances set out in this Article are where the electricity is—

(a) generated using the original capacity of a small onshore wind generating station—

(i) which was accredited during the period beginning with 1st April 2017 and ending with 31st March 2018, and

(ii) in respect of which both the approved development condition and the investment freezing condition are met, or

(b) generating using additional capacity of a small onshore wind generating station, where—

(i) the station was accredited on or before 30th June 2016,

(ii) in the Authority's view, the additional capacity first formed part of the station during the period beginning with 1st April 2017 and ending with 31st March 2018, and

(iii) both the approved development condition and the investment freezing condition are met in respect of the additional capacity.

Small onshore wind generating stations accredited, or additional capacity added, between 1st April 2018 and 31st March 2019: grid or radar delay condition met

9.—(1) The circumstances set out in this Article are where the electricity is—

(a) generated using the original capacity of a small onshore wind generating station—

(i) which was accredited during the period beginning with 1st April 2018 and ending with 31st March 2019,

(ii) in respect of which both the approved development condition and the investment freezing condition are met, and

(iii) in respect of which the grid or radar delay condition is met, or

(b) generated using additional capacity of a small onshore wind generating station, where—

(i) the station was accredited on or before 30th June 2016,

(ii) in the Authority's view, the additional capacity first formed part of the station during the period beginning with 1st April 2018 and ending with 31st March 2019,

(iii) both the approved development condition and the investment freezing condition are met in respect of the additional capacity, and

(iv) the grid or radar delay condition is met in respect of the additional capacity.

The grid or radar delay condition

10.—(1) This Article applies for the purposes of Articles 5, 7 and 9.

(2) The grid or radar delay condition is met in respect of a small onshore wind generating station if, on or before the date on which the Authority made its decision to accredit the station, the documents specified in paragraph (4), (5) or (6) were—

(a) submitted by the operator of the station, and

(b) received by the Authority.

(3) The grid or radar delay condition is met in respect of additional capacity if, on or before the date on which the Authority made its decision that the additional capacity could form part of the small onshore wind generating station in question, the documents specified in paragraph (4), (5) or (6) were—

(a) submitted by the operator of the station, and

(b) received by the Authority.

(4) The documents specified in this paragraph are—

(a) evidence of an agreement with a network operator ("the relevant network operator") to carry out grid works in relation to the station or additional capacity ("the relevant grid works");

(b) a copy of a document written by, or on behalf of, the relevant network operator which confirms that at the date of receipt of the connection application from the generating station, it was the intention of the relevant network operator to complete the relevant grid works ("the planned grid works completion date") no later than the primary date:

(c) a letter from the relevant network operator confirming (whether or not such confirmation is subject to any conditions or other terms) that—

(i) the relevant grid works were completed after the planned grid works completion date, and

(ii) in the relevant network operator's opinion, the failure to complete the relevant grid works on or before the planned grid works completion date was not due to any breach