



2013 CHAPTER 10

Part 4

Marine licensing: Generating stations

Special procedure for applications relating to generating stations

42. In Chapter 2 of Part 4 of the 2009 Act (marine licensing: exemptions and special cases) after section 79 insert—

“79A Special procedure for applications relating to certain electricity works (Northern Ireland)

(1) This section has effect in cases where a person who proposes to carry on an activity must first make both—

- (a) an application to the Department of the Environment in Northern Ireland (“the Department”) for a marine licence to carry on that activity (the “marine licence application”), and
- (b) a related application for a generating station consent (the “generating station application”).

(2) A “related application for a generating station consent” is an application to DETI for a consent under Article 39 of the Electricity Order (consent for construction, etc. of generating stations) in relation to—

- (a) the activity for which the marine licence is required, or
- (b) other works to be undertaken in connection with that activity.

(3) In any case where—

- (a) both the marine licence application and the generating station application have been made,

- (b) DETI decides (with the agreement of the Department) that the two applications are to be considered together, and
- (c) DETI has given notice of that decision to the applicant,
the two applications are to be considered together.
- (4) Subsection (5) applies in any case where—
 - (a) one of the applications has been received but not the other,
 - (b) DETI decides (with the agreement of the Department) that the two applications are to be considered together, and
 - (c) DETI has given notice of that decision to the applicant.
- (5) In any such case—
 - (a) the application that has been received is not to be considered until the other application has also been received,
 - (b) the two applications are to be considered together, and
 - (c) the condition in subsection (3)(b) is to be regarded as satisfied by virtue of subsection (4)(b),but this is subject to any provision that may be made by virtue of subsection (6)(c) or (d).
- (6) The Department may by order do any of the following—
 - (a) make provision falling within subsection (7) for cases where subsection (3) applies;
 - (b) make provision falling within subsection (7) for cases where subsection (5) applies;
 - (c) make provision falling within subsection (7) or (8) for cases where DETI (with the agreement of the Department) comes to the conclusion that the marine licence application is not going to be made;
 - (d) make provision falling within subsection (7) or (8) for cases where DETI comes to the conclusion that the generating station application is not going to be made.
- (7) The provision that may be made by virtue of this subsection is—
 - (a) provision that such procedural provisions of this Part as are specified in the order are not to apply to the marine licence application;
 - (b) provision that such procedural provisions of the Electricity Order as are so specified are to apply to that application instead;
 - (c) provision modifying the provisions of the Electricity Order in their application by virtue of paragraph (b).

(8) The provision that may be made by virtue of this subsection is provision modifying—

- (a) such procedural provisions of this Part as are specified in the order,
or
- (b) such procedural provisions of the Electricity Order as are specified in the order.

(9) In this section—

“DETI” means the Department of Enterprise, Trade and Investment in Northern Ireland;

“the Electricity Order” means the Electricity (Northern Ireland) Order 1992;

“procedural provisions” means any provisions for or in connection with the procedure for determining an application.”.