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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 154**

**The Renewables Obligation Order (Northern Ireland) 2009**

**PART 4**

**Cases and circumstances when a NIROC must not be issued**

**Excluded generating stations**

**17.** NIROCs are not to be issued in respect of any electricity generated outside Northern Ireland.

**Generating stations first commissioned before 1st January 1990**

**18.—(1)** This Article applies to a generating station—

- (a) which was first commissioned before 1st January 1990,
- (b) the main components of which have not been renewed since 31st December 1989, and
- (c) which is not a micro hydro generating station.

(2) No NIROCs are to be issued in respect of electricity generated in any month by a generating station to which this Article applies unless all of the electricity generated by that station during that month—

- (a) Is generated—
  - (i) partly from fossil fuel, and
  - (ii) partly from renewable sources which consist wholly of—
    - (aa) biomass,
    - (bb) biomass and Solid Recovered Fuel, or
    - (cc) a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion;
- (b) is generated from biomass and the following conditions are met—
  - (i) where that station generated electricity in any month prior to April 2003, no less than 75 per cent of the energy content of the fuel used to generate that electricity was derived from fossil fuel,
  - (ii) the first month in which all of the electricity generated by that station was generated from biomass occurred after March 2004, and
  - (iii) in relation to electricity generated in any month after that first month by that station, no more than 75 per cent of the energy content of the fuel used to generate that electricity was derived from fossil fuel.

(3) For the purposes of paragraph (1)(b), the main components of a generating station are only to be regarded as having been renewed since 31st December 1989—

- (a) in the case of a hydro generating station, where the following parts have been installed in the generating station after 31st December 1989 and were not used for the purpose of electricity generation prior to their installation—
    - (i) all the turbine runners or all the turbine blades or the propeller; and
    - (ii) all the inlet guide vanes or all the inlet guide nozzles;
  - (b) in the case of any other generating station, where all the boilers and turbines (driven by any means including wind, water, steam or gas) have been installed in the generating station after 31st December 1989 and were not used for the purpose of electricity generation prior to their installation.
- (4) For the purposes of paragraph (2)—
- (a) in sub-paragraph (a)(i) fossil fuel does not include waste which is a renewable source, and
  - (b) in determining whether or not the requirements of sub-paragraph (a) or (b) are met, no account is to be taken of any fossil fuel or waste which the generating station uses for permitted ancillary purposes.

#### **Generating stations in respect of which a NFFO arrangement applied but was terminated**

- 19.—(1) This Article applies where—
- (a) a NFFO arrangement (“the applicable NFFO arrangement”) provided for the building of a generating station at a specified location (“the location”);
  - (b) the applicable NFFO arrangement was terminated due to the operator of the generating station to which it applied having committed an unremedied breach of it; and
  - (c) the last period in the tables contained in Schedule 1 to the Non-Fossil Fuel Order which relates to the applicable NFFO arrangement has not expired.
- (2) Subject to paragraph (3), where this Article applies, no NIROCs are to be issued in respect of electricity generated by a generating station—
- (a) which is situated wholly or partly at the location;
  - (b) to which the applicable NFFO arrangement applied at the time it was commissioned; and
  - (c) which is owned or operated by a person—
    - (i) who was a party to the applicable NFFO arrangement; or
    - (ii) who is a connected person or a linked person in relation to any such party.
- (3) Paragraph (2) does not apply in relation to electricity generated by a generating station in a month in which all of the electricity generated by that station is sold pursuant to another NFFO arrangement.

#### **Non-commissioned generating stations in respect of which a NFFO arrangement applies**

- 20.—(1) This Article applies where a NFFO arrangement (“the applicable NFFO arrangement”) provides for the building of a generating station (“the specified station”) at a specified location (“the location”) and the specified station has not been commissioned.
- (2) Subject to paragraph (3), where this Article applies, no NIROCs are to be issued in respect of electricity generated by a generating station which—
- (a) is situated wholly or partly at the location; and
  - (b) is owned or operated by a person who is a party to the applicable NFFO arrangement or who is a connected person or a linked person in relation to any such party.

(3) Paragraph (2) does not apply in relation to electricity generated by a generating station in a month in which all of the electricity generated by that station is sold pursuant to another NFFO arrangement.

**Circumstances in which no NIROCs are to be issued in respect of electricity generated from renewable sources**

**21.—**(1) No NIROCs are to be issued in respect of electricity generated by a generating station in a month during all of part of which it generates electricity—

- (a) wholly from renewable sources which consist of or include waste unless—
  - (i) the waste is biomass,
  - (ii) the waste is a liquid consisting wholly or mainly of hydrocarbon compounds,
  - (iii) the waste is in the form of a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion, or
  - (iv) the generating station is a qualifying combined heat and power generating station;
- (b) partly from renewable sources and partly from fossil fuel unless the renewable sources consist of—
  - (i) biomass,
  - (ii) biomass and Solid Recovered Fuel, or
  - (iii) a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion;
- (c) partly from renewable sources and partly from fossil fuel where the fossil fuel consists of or includes waste unless that waste is—
  - (i) liquid consisting wholly or mainly of hydrocarbon compounds,
  - (ii) in the form of a liquid or gaseous fuel produced by means of gasification, pyrolysis or anaerobic digestion, or
  - (iii) Solid Recovered Fuel;
- (d) wholly or partly from peat.

(2) In this Article—

- (a) in paragraph (1)(a) and (c) and in sub-paragraph (c), waste includes anything derived directly or indirectly from waste;
- (b) in paragraph (1)(b) and (c), fossil fuel does not include waste which is a renewable source; and
- (c) in determining how electricity has been generated for the purposes of paragraph (1)(a), (b) or (c), no account is to be taken of any fossil fuel or waste which the generating station uses for permitted ancillary purposes.

(3) For the purposes of paragraph (2)(c), fossil fuel or waste (which includes anything derived directly or indirectly from waste) is used for permitted ancillary purposes if—

- (a) it is used in a generating station for—
  - (i) cleansing other fuels from the generating station's combustion system prior to using fossil fuel or waste to heat the combustion system to its normal temperature;
  - (ii) the heating of the station's combustion system to its normal operating temperature or the maintenance of that temperature;
  - (iii) the ignition of fuels of low or variable calorific value;
  - (iv) emission control; or

- (v) standby generation or the testing of standby generation capacity, and
  - (b) the energy content of the fossil fuel or waste so used during a month (or, where both are so used during a month, their combined energy content) does not exceed 10 per cent of the energy content of all the energy sources used by that generating station to generate electricity during that month.
- (4) In this Article, “standby generation” means the generation of electricity by equipment which is not used frequently or regularly to generate electricity and where all the electricity generated by that equipment is used by the generating station.