
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 174

**The Renewables Obligation Closure
Order (Northern Ireland) 2016**

The approved development condition

11.—(1) This Article applies for the purposes of Articles 6 to 9.

(2) The approved development condition is met in respect of a large onshore wind generating station if the documents specified in paragraphs (4), (5) and (6) were provided to the Authority with the application for accreditation of the station.

(3) The approved development condition is met in respect of additional capacity if the documents specified in paragraphs (4), (5) and (6) were provided to the Authority on or before the date on which the Authority made its decision that the additional capacity could form part of the large onshore wind generating station in question.

(4) The documents specified in this paragraph are—

(a) evidence that—

(i) planning permission for the station or additional capacity was granted on or before the relevant eligibility date, and

(ii) any conditions as to the time period within which the development to which the permission relates must be begun have not been breached, or

(b) a declaration by the operator of the station that, to the best of the operator's knowledge and belief, planning permission is not required for the station or additional capacity.

(5) The documents specified in this paragraph are—

(a) a copy of an offer from a licensed network operator made on or before the relevant eligibility date to carry out grid works in relation to the station or additional capacity, and evidence that the offer was accepted on or before the date (whether or not the acceptance was subject to any conditions or other terms), or

(b) a declaration by the operator of the station that, to the best of the operator's knowledge and belief, no grid works were required to be carried out by a licensed network operator in order to enable the station to be commissioned or the additional capacity to form part of the station.

(6) The documents specified in this paragraph are a declaration by the operator of the station that, to the best of the operator's knowledge and belief, as at the relevant eligibility date a relevant developer of the station or additional capacity (or a person connected, within the meaning of section 1122 of the Corporation Tax Act 2010⁽¹⁾, with a relevant developer of the station or additional capacity)—

(a) was an owner or lessee of the land on which the station or additional capacity is situated,

(b) had entered into an agreement to purchase or lease the land on which the station or additional capacity is situated,

- (c) had an option to purchase or to lease the land on which the station or additional capacity is situated, or
 - (d) was a party to an exclusivity agreement in relation to the land on which the station or additional capacity is situated.
- (7) In this Article—
- “2011 Act permission” means planning permission under the Planning Act (Northern Ireland) 2011⁽²⁾ (except outline planning permission, within the meaning of section 62 of that Act);
- “exclusivity agreement”, in relation to land, means an agreement by the owner or a lessee of the land not to permit any person (other than the persons identified in the agreement) to construct a large onshore wind generating station on the land;
- “planning permission” means—
- (a) consent under section 39 of the Electricity (Northern Ireland) Order 1992⁽³⁾, or
 - (b) 2011 Act permission.
- “relevant eligibility date”, in relation to a large onshore wind generating station or additional capacity means—
- (a) 30th September 2015 where the generating station is not connecting to a cluster, or
 - (b) 30th October 2015 where the generating station is connecting to a cluster.

⁽²⁾ 2011 c.25
⁽³⁾ S.I. 1992/231 (N.I.1)