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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**The Contracts for Difference (Allocation) Regulations 2014**

**PART 4**

**Applications for CFDs**

**CHAPTER 1**

**Excluded applications**

**Excluded applications**

**14.**—(1) An eligible generator may not make an application under this Part where the application is excluded under any of the following paragraphs (“an excluded application”).

(2) No application may be made in respect of a CFD unit where the unit is—

- (a) a generating station connected to a complete CCS system; or
- (b) a nuclear power station.

(3) No application may be made in respect of a CFD unit where the CFD unit is—

- (a) to be established as a hydro generating station; and
- (b) to have a generating capacity of 5 megawatts or less.

(4) No application may be made in respect of a CFD unit where—

- (a) the CFD unit uses or is to use as its source of energy—
  - (i) gas formed by the anaerobic digestion of material which is not landfill gas or sewage gas;
  - (ii) solar radiation when captured by a photovoltaic array; or
  - (iii) wind, other than in respect of an offshore wind CFD unit; and
- (b) in the case of a CFD unit described in sub-paragraph (a) which is to be established, it is to have a generating capacity of 5 megawatts or less.

(5) No application may be made in respect of a CFD unit to be altered where an accreditation or registration applies (or has applied) in respect of that unit.

(6) Subject to paragraph (7), no application may be made in respect of a CFD unit where the CFD unit—

- (a) is or is to be an offshore wind CFD unit; and
- (b) is to be established or altered in phases of construction.

(7) Paragraph (6) does not apply to a phased offshore wind CFD unit.

(8) No application may be made in respect of a CFD unit where the CFD unit is or is to be situated wholly or partially—

- (a) in Northern Ireland; or

- (b) in waters in or adjacent to Northern Ireland which are between the mean low water mark and the seaward limits of the territorial sea.
- (9) No application may be made in respect of a CFD unit to be altered where funding has been given in respect of that unit under any of the non-fossil fuel orders.
- (10) Subject to paragraph (11), no application may be made in respect of a CFD unit where a CFD or a capacity agreement applies to the CFD unit.
- (11) Paragraph (10) does not apply to a CFD unit described in that paragraph where the CFD unit—
  - (a) is a relevant fossil fuel generating station or is part of such a station; and
  - (b) is to be altered to be, or be part of, a biomass conversion station.
- (12) No application may be made in respect of a CFD unit unless—
  - (a) where the CFD unit is or is to be part only of a generating station, the electricity to be generated by the CFD unit is metered separately from the electricity generated by the other part of the generating station or any other generating station;
  - (b) where sub-paragraph (a) does not apply, the electricity to be generated by the CFD unit is metered separately from the electricity generated by any other generating station.
- (13) No application may be made in respect of a CFD unit to which an investment contract applies.
- (14) The allocation framework may, in respect of an allocation round to which it applies, set out further descriptions of applications which may not be made in that round.