
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 174

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

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 large 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 large 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 by the generating station developer of any agreement with the relevant network operator; and
- (d) a declaration by the operator of the station that, to the best of the operator’s knowledge and belief, the station would have been commissioned, or the additional capacity would have formed part of the station, on or before the primary date if the relevant works had been completed on or before the planned grid works completion date.

(5) The documents specified in this paragraph are—

- (a) evidence of an agreement between a generating station developer and a person who is not a generating station developer (“the radar works agreement”) for the carrying out of radar works (“the relevant radar works”);
 - (b) a copy of a document written by, or on behalf of, a party to the radar works agreement (other than a generating station developer) which estimated or set a date for completion of the relevant radar works (“the planned radar works completion date”) which was no later than the primary date;
 - (c) a letter from a party to the radar works agreement (other than a generating station developer) confirming, whether or not such confirmation is subject to any conditions or other terms, that—
 - (i) the relevant radar works were completed after the planned radar works completion date, and
 - (ii) in that party’s opinion, the failure to complete the relevant radar works on or before the planned radar works completion date was not due to any breach of the radar works agreement by a generating station developer; and
 - (d) a declaration by the operator of the station that, to the best of the operator’s knowledge and belief, the station would have been commissioned, or the additional capacity would have formed part of the station, on or before the primary date if the relevant radar works had been completed on or before the planned radar works completion date.
- (6) The documents specified in this paragraph are—
- (a) the documents specified in paragraph (4)(a), (b) and (c);
 - (b) the documents specified in paragraph (5)(a), (b) and (c); and
 - (c) a declaration by the operator of the station that, to the best of the operator’s knowledge and belief, the station would have been commissioned, or the additional capacity would have formed part of the station, on or before the primary date if—
 - (i) the relevant grid works had been completed on or before the planned grid works completion date, and
 - (ii) the relevant radar works had been completed on or before the planned radar works completion date.
- (7) In this Article—
- “the primary date” means—
- (a) in a case within Article 5(a)(i) or (b)(i) and (ii), 31st March 2016;
 - (b) in a case within Article 7(a)(i) and (ii) or (b)(i) to (iii), 31st March 2017;
 - (c) in a case within Article 9(a)(i) and (ii) or (b)(i) to (iii), 31st December 2017;
- “generating station developer” in relation to an onshore wind generating station or additional capacity, means—
- (a) the operator of the station, or
 - (b) a person who arranged for the construction of the station or additional capacity.