STATUTORY INSTRUMENTS

2013 No. 2696

The Carbon Capture Readiness (Electricity Generating Stations) Regulations 2013

Interpretation

2.—(1) In these Regulations—

"the 2008 Act" means the Planning Act 2008(1);

"appropriate authority" means—

- (a) in relation to a combustion plant in England and Wales, the Secretary of State; and
- (b) in relation to a combustion plant in Scotland, the Scottish Ministers;

"CCR assessment", in relation to a combustion plant, means an assessment as to whether the CCR conditions are met in relation to that plant;

"CO2" means carbon dioxide;

"combustion plant" means any technical apparatus in which fuels are oxidised in order to use the heat thus generated, but does not include the types of plant listed in points (a) to (j) of Article 28 of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast)(2);

"consent order" means an order granting development consent within the meaning of section 31 of the 2008 Act;

"relevant consent order" means a consent order—

- (a) for the construction of a combustion plant with a rated electrical output of 300 megawatts or more; or
- (b) for a relevant extension;

"relevant extension" means an extension to a combustion plant which will have the effect of increasing the rated electrical output of the plant to 300 megawatts or more;

"relevant section 36 consent" means a section 36 consent—

- (a) for the construction of a combustion plant with a rated electrical output of 300 megawatts or more; or
- (b) for a relevant extension;

"section 36 consent" means a consent under section 36 of the Electricity Act 1989(3); and

^{(1) 2008} c. 29. Relevant amendments have been made by Chapter 6 of Part 6 of, and Part 20 of Schedule 25 to, the Localism Act 2011 (c. 20). Modifications to the application of relevant provisions of the 2008 Act in Scotland are made under Schedule 12 to the 2008 Act.

⁽²⁾ OJNo. L334, 17.12.2010, p.17.

^{(3) 1989} c. 29. Section 36 was amended by section 93(1) and (3) of the Energy Act 2004 (c. 20); paragraph 32 of Schedule 2 to the Planning Act 2008 (c. 29); and section 12(7)(a) and (8) of the Marine and Coastal Access Act 2009 (c. 23). Relevant amendments were also made in relation to Scotland by S.I. 2006/1054. Functions of the Secretary of State under section 36(1), (5) and (7) have been transferred to the Marine Management Organisation by section 12(1) to (4) of the Marine and Coastal Access Act 2009 as regards certain offshore generating stations. Functions of the Secretary of State under section 36 have been transferred to the Scottish Ministers by S.I. 2006/1040, in so far as exercisable in or as regards Scotland (see also S.I. 2005/3153).

- "storage site" has the meaning given by Article 3 of Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide(4).
- (2) For the purposes of these Regulations, the CCR conditions are met in relation to a combustion plant, if, in respect of all of its expected emissions of CO_2
 - (a) suitable storage sites are available;
 - (b) it is technically and economically feasible to retrofit the plant with the equipment necessary to capture that CO_2 ; and
 - (c) it is technically and economically feasible to transport such captured CO₂ to the storage sites referred to in sub-paragraph (a).