
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 387

**The Storage of Carbon Dioxide (Licensing
etc.) Regulations (Northern Ireland) 2015**

Powers and duties of the authority

Corrective measures

10.—(1) This regulation applies where—

- (a) a significant irregularity or a leakage has been detected; and
- (b) the licence under which the storage permit is granted is still in force,

but does not apply where the storage permit has been revoked.

(2) Without prejudice to the obligations of the operator under the provisions in the storage permit included by virtue of regulation 9(1)(j) and paragraph 6 of Schedule 2, or to the powers of the authority under section 24 (licensing authority's powers of direction),—

- (a) the authority may direct the operator to take any corrective measures (and any measures for the protection of human health) that the authority (after consulting the operator) considers necessary; and
- (b) if the operator fails to take the measures so directed, the authority shall exercise its powers under paragraph (4).

(3) The measures directed to be taken under paragraph (2)(a) may be additional to, or different from, those set out in the corrective measures plan.

(4) Whether or not a direction has been given under paragraph (2) or under section 24—

- (a) the authority may at any time take such measures itself (or arrange for another person to take them on the authority's behalf); and
- (b) the reasonable costs of doing so shall be paid by the operator.

(5) Section 24(5) to (8) apply to action taken under paragraph (4) as they apply to action taken under section 24(4).

Review, modification and revocation of storage permits

11.—(1) Subject to paragraph (2), where a notification is given under the provisions in a storage permit included by virtue of regulation 9(1)(i) and paragraph 4(1) of Schedule 2, the authority—

- (a) may make such modifications to a storage permit as the authority considers appropriate; and
- (b) shall notify the operator of—
 - (i) the modifications to be made;
 - (ii) the date on which the modifications are to come into effect; and
 - (iii) the date on which the change in question may be implemented.

- (2) Where it appears to the authority that the matters so notified would amount to a substantial change, the authority shall—
- (a) make such modifications to a storage permit as the authority considers appropriate (and give a notification in accordance with paragraph (1)(b)); or
 - (b) notify the operator that the change may not be implemented.
- (3) The authority shall give a notification under paragraph (1)(b) or (2) on or before—
- (a) the date (“the target date”) on which the operator proposes to implement the change notified to the authority under the provisions in a storage permit included by virtue of regulation 9(1)(i) and paragraph 4(1) of Schedule 2; or
 - (b) if the authority considers more time is required to allow it to give the notification, the later date notified by the authority under paragraph (4).
- (4) The authority shall notify the operator of the later date—
- (a) no less than one week before the target date; or
 - (b) if one or more later dates have already been notified by the authority, no less than one week before the date last notified.
- (5) This paragraph applies where the authority becomes aware of—
- (a) any (or any risk of) leakages or significant irregularities;
 - (b) any breach of the terms or conditions of the storage permit; or
 - (c) any scientific finding or technological development which appears to have a bearing on the conduct of operations at the storage site.
- (6) The authority shall consider whether to modify or revoke a storage permit—
- (a) where paragraph (5) applies; and
 - (b) in any event, on the date (“the review date”) falling on the fifth anniversary of the grant of a storage permit, and subsequently on every tenth anniversary of the review date.
- (7) Following that consideration, the authority may—
- (a) make such modifications to a storage permit as the authority considers appropriate; or
 - (b) if it decides that modifications to a storage permit would be insufficient in the light of the matters referred to in paragraph (5), revoke the permit.
- (8) Before making any modification to a storage permit or revoking a storage permit under this regulation, the authority shall consult the operator and any other licence holder.

Consequences of revocation of a storage permit

12.—(1) This regulation applies where the authority has revoked a storage permit under regulation 11(7).

- (2) The authority shall either—
- (a) close the storage site; or
 - (b) consider any application for a new licence (and, if such a licence is granted, for a new storage permit) in respect of the storage site.
- (3) Following the procedure under paragraph (2)(b)—
- (a) if no new storage permit is granted, the authority shall close the storage site (but the existing licence shall continue in force);
 - (b) if a new storage permit is granted, the existing licence shall terminate on the date of that grant.

(4) Until the storage site is closed, or the new storage permit is granted, the authority is deemed to be the operator of the site for the purposes of the following obligations—

- (a) in relation to the acceptance and injection of CO₂;
- (b) in relation to monitoring;
- (c) in relation to corrective measures;
- (d) in relation to the surrender of allowances under legislation implementing the ETS Directive; and
- (e) under legislation implementing Articles 5(1) and 6(1) of the Environmental Liability Directive.

(5) Where the storage site is closed under paragraph (2)(a) or (3)(a), the authority—

- (a) is deemed to be the operator of the storage site for the purposes of the obligations referred to in paragraph (4)(b) to (e); and
- (b) shall ensure that the storage site is sealed and the injection facilities removed (but this is without prejudice to the obligations of any person under Part 4 of the Petroleum Act 1998⁽¹⁾).

(6) The holder of the existing licence shall pay to the authority any reasonable costs incurred in meeting the authority's obligations under paragraph (4) or (5); and section 24(6) and (7) apply to the recovery of such costs as they apply to the recovery of costs under section 24(5).

(7) In this regulation, “existing licence” means the licence under which the revoked storage permit was granted.

(8) The authority may consult the Department of the Environment in relation to the carrying out by the authority of the obligations referred to in paragraph (4)(a) to (e) and paragraph (5)(b).

(1) Section 30 of the Energy Act 2008 applies Part 4 of the Petroleum Act 1998 (c.17) to carbon dioxide installations (as defined by section 30(5))