
DRAFT STATUTORY INSTRUMENTS

2011 No.

**The Storage of Carbon Dioxide (Access
to Infrastructure) Regulations 2011**

Variation conditions

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7.—(1) Subject to paragraph (5), this regulation applies where an application for a consent in respect of relevant infrastructure is considered by the authority.

(2) Subject to paragraph (4), where the authority grants the consent, it may grant it subject to a condition (a “variation condition”) in accordance with paragraph (3) if the authority is satisfied that—

- (a) there is evidence of demand existing or likely to arise for the grant of such consents for the construction of further relevant infrastructure to be designed for the conveyance or storage of carbon dioxide;
- (b) where the further relevant infrastructure is a pipeline, the whole or any part of the route to be taken by a further pipeline would be substantially the same as the route or any part of the route to be taken by the pipeline to which the application relates;
- (c) compliance with the variation condition will not prejudice the safety or environmental integrity of the relevant infrastructure; and
- (d) compliance with the variation condition will not prejudice the efficient operation of the relevant infrastructure concerned.

(3) A variation condition under paragraph (2) may require—

- (a) the capacity of the relevant infrastructure to which it relates or of any part of that relevant infrastructure to be greater than that proposed in the application for the consent;
- (b) the design of the relevant infrastructure to which it relates to be modified, including by the addition of a junction through which another pipeline may be connected to the relevant pipeline or to the relevant storage site; or
- (c) in relation only to a controlled carbon dioxide pipeline, any of the route of the pipeline to be different from that so proposed.

(4) Before exercising the powers conferred by paragraph (2) and regulation 9(1), the authority must give an opportunity to be heard to—

- (a) the applicant for the consent;
- (b) any other person who made representations to the authority as to the matters set out in paragraphs (2) or (3);
- (c) any person with a right to have carbon dioxide conveyed by or stored in the proposed relevant infrastructure;
- (d) the Health and Safety Executive or the Health and Safety Executive for Northern Ireland, as appropriate.

(5) This regulation does not apply where the application for a consent is an application for the grant of a construction authorisation which relates to the construction of a diversion.