
STATUTORY INSTRUMENTS

2011 No. 2305

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

General

Interpretation

3.—(1) In these Regulations—

“access application” has the meaning given to it in regulation 12(1);

“associate” has the meaning given to it in regulation 6;

“authorised capacity”, in relation to a relevant storage site, means the total quantity of carbon dioxide authorised to be stored in the storage site in accordance with the relevant consent;

“authority” means the authority in accordance with regulation 4;

“carbon dioxide pipe-line” has the meaning given to it in section 66(1) of the Pipe-lines Act 1962(1);

“consent” means—

(a) in the case of a relevant pipeline—

(i) an authorisation given for the purposes of section 14(1)(a) of the Petroleum Act 1998(2);

(ii) a construction authorisation;

(iii) development consent granted under section 114 of the Planning Act 2008(3);

(b) in the case of a relevant storage site—

(i) a storage permit within the meaning of the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010(4);

(ii) a storage permit within the meaning of the Storage of Carbon Dioxide (Licensing etc.) (Scotland) Regulations 2011(5);

“construction authorisation” means a construction authorisation under section 1 of the Pipe-lines Act 1962;

“controlled carbon dioxide pipeline” has the meaning given to it in section 28(1) of the Petroleum Act 1998(6);

“controlled pipeline” and “controlled waters” have the meanings given in section 14(2) of the Petroleum Act 1998;

(1) 1962 c. 58. The definition is inserted by paragraph 6 of the Schedule.

(2) 1998 c. 17.

(3) 2008 c. 29.

(4) S.I. 2010/2221.

(5) S.S.I. 2011/24.

(6) The definition is inserted by paragraph 11(b) of the Schedule.

“Directive” means Directive [2009/31/EC](#) of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive [85/337/EEC](#), European Parliament and Council Directives [2000/60/EC](#), [2001/80/EC](#), [2004/35/EC](#), [2006/12/EC](#), [2008/1/EC](#) and Regulation (EC) No [1013/2006](#)(7);

“diversion” means a diversion (within the meaning of section 66(1) of the Pipe-lines Act 1962(8)) of a relevant pipeline that is not a controlled pipeline or of such part of a relevant pipeline as is not a controlled pipeline and “diverted” is to be construed accordingly;

“Gas Importation and Storage Zone” has the meaning given to it in section 1(5) of the Energy Act 2008(9);

“holder”, in regulations 9 and 10 has the meaning given to it in regulation 9(1)(a);

“injection” means injection of carbon dioxide into a storage site;

“licence” means a licence granted under section 18(1) of the Energy Act 2008 and “licence holder” is to be construed accordingly;

“modification notice” has the meaning given to it in regulation 13(2);

“notice” means notice in writing;

“operator”, in relation to a storage permit, means the person who carries on or (where different) controls activities at the storage site;

“owner” has the meaning given to it in regulation 5;

“pipeline variation notice” has the meaning given to it in regulation 8(2);

“planning permission” means permission under Part 3 of the Town and Country Planning Act 1990(10) or under Part 3 of the Town and Country Planning (Scotland) Act 1997(11);

“relevant infrastructure” means a relevant pipeline or a relevant storage site;

“relevant pipeline” means—

- (a) a controlled carbon dioxide pipeline; or
- (b) a carbon dioxide pipe-line situated in, under or over Great Britain, including so much of the internal waters of the United Kingdom as are adjacent to Great Britain;

“relevant storage site” means a storage site situated—

- (a) in Great Britain; or
- (b) in, under or over—
 - (i) so much of the internal waters of the United Kingdom as are adjacent to Great Britain,
 - (ii) the territorial sea of the United Kingdom, or
 - (iii) waters in a Gas Importation and Storage Zone,

and any associated installations, apparatus and works;

“third party”, in regulations 9 and 10, has the meaning given to it in regulation 9(1)(b);

(7) OJ No L 140, 5.6.2009, p 114.

(8) The definition was inserted by [S.I. 1999/742](#) and amended by section 36 of, and paragraphs 5 and 7(a) of Schedule 2 to, the Planning Act 2008.

(9) [2008 c. 32](#). The Gas Importation and Storage Zone was designated under the Gas Importation and Storage Zone (Designation of Area) Order 2009 ([S.I. 2009/223](#)). An amendment to section 1(5) by the Marine and Coastal Access Act 2009 ([c. 23](#)) has not yet been commenced.

(10) [1990 c.8](#); Part 3 was amended by the Planning and Compensation Act 1991 ([c. 34](#)), the Transport and Works Act 1992 ([c. 42](#)), the Environment Act 1995 ([c. 25](#)), the Planning and Compulsory Purchase Act 2004 ([c. 5](#)), the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ([S.I. 1999/293](#)), the Greater London Authority Act 2007 ([c. 24](#)) and the Planning Act 2008. There are other amendments and modifications not relevant to these Regulations.

(11) [1997 c. 8](#); Part 3 was amended by the Environmental Impact Assessment (Scotland) Regulations 1999 ([S.S.I. 1999/1](#)) the Planning etc. (Scotland) Act 2006 ([asp 17](#)) and the Planning and Compulsory Purchase Act 2004 ([c. 5](#)).

“variation condition” has the meaning given to it in regulation 7(2).

(2) The following expressions have the meanings given by Article 3 of the Directive—

“CO₂ stream”;

“storage site”.

Commencement Information

II Reg. 3 in force at 16.9.2011, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Storage of Carbon Dioxide (Access to Infrastructure) Regulations 2011, Section 3.