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STATUTORY INSTRUMENTS

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**2011 No. 2305**

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

*Variation conditions*

**Notices relating to costs etc.**

9.—(1) Where a consent contains a variation condition under regulation 7, or a pipeline variation notice has been served under regulation 8, the authority may serve a notice in accordance with paragraph (2) on—

- (a) the holder of the consent or the person to whose benefit the grant of planning permission enures (the “holder”); and
  - (b) any other person who made representations to the authority as to the matters set out in regulations 7(2) or 7(3) or regulations 8(2) or 8(3), as applicable (the “third party”).
- (2) A notice under paragraph (1) must—
- (a) specify the sums or the method of determining the sums which the authority considers should be paid to the holder by the third party for the purpose of defraying so much of the costs of constructing the relevant infrastructure as is attributable to the variation condition or pipeline variation notice;
  - (b) require the third party to make, within the period specified for the purpose in the notice, arrangements which the authority considers are appropriate to secure that those sums will be paid to the holder if the holder constructs the relevant infrastructure or a relevant part of it, or satisfies the authority that the holder will construct it, in accordance with the variation condition or pipeline variation notice;
  - (c) provide that the holder may, if those arrangements are not made by the third party within the period specified in the notice, elect (in the manner specified in the notice) that the variation condition or pipeline variation notice is, as specified in the notice, to be withdrawn or to have effect with such modifications as are so specified with a view to eliminating the consequences of the representations of the third party; and
  - (d) authorise the holder, if the authority is satisfied that the relevant infrastructure or a relevant part of it has been or will be constructed in accordance with the variation condition or pipeline variation notice, to recover those sums from the third party.

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**Commencement Information**

**II** Reg. 9 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 9.