
STATUTORY INSTRUMENTS

2015 No. 920

The Renewables Obligation Closure (Amendment) Order 2015

Amendments to article 2 of the Closure Order (interpretation)

2.—(1) Article 2 of the Closure Order is amended as follows.

(2) In paragraph (1)—

(a) at the appropriate places insert—

““additional capacity”, in relation to a large solar pv station, means any generating capacity which does not form part of the original capacity of the station;”;

““developer”, in relation to a large solar pv station, means a person who—

- (a) applied for planning permission for the station,
- (b) arranged for grid works to be carried out in relation to the station,
- (c) arranged for the construction of any part of the station,
- (d) constructed any part of the station, or
- (e) operates, or proposes to operate, the station;”;

““exclusivity agreement”, in relation to land, means an agreement, by the owner or a lessee of the land, not to permit any person (other than the persons identified in the agreement) to construct a solar pv station on the land;”;

““large solar pv station” means a solar pv station where the total installed capacity of the RO capacity of the station is more than 5 megawatts;”;

““licensed network operator” means a distribution licence holder or a transmission licence holder;”;

““planning permission” has the meaning given in article 13 except that in articles 2B(3) and 2C(2) it does not include—

- (a) outline planning permission within the meaning of section 92 of the Town and Country Planning Act 1990(1), or
- (b) planning permission in principle within the meaning of section 59 of the Town and Country Planning (Scotland) Act 1997(2);”;

““pre-2016 additional capacity”, in relation to a large solar pv station, means any additional capacity which in the Authority’s view first formed part of the station from a date which is no later than 31st March 2016;”;

““RO capacity” has—

(1) 1990 c.8. Section 92 has been amended by section 51(2) of the Planning and Compulsory Purchase Act 2004 (c.5). Functions of the Secretary of State under section 92, so far as exercisable in relation to Wales, have been transferred to the Welsh Ministers by S.I. 1999/672.

(2) 1997 c.8. Section 59 was substituted by section 21 of the Planning etc (Scotland) Act 2006 (2006 asp 17) as amended by article 5(3) of S.S.I. 2009/256. It has been amended by article 2(5) of S.S.I. 2013/26.

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- (a) in the case of a generating station located in Scotland, the same meaning as in the Renewables Obligation (Scotland) Order 2009(3), and
 - (b) in any other case, the same meaning as in the Renewables Obligation Order 2009(4);”;
- ““Scotland” has the meaning given in section 32(3) of the Electricity Act 1989(5);”;
- ““solar pv closure date” means the later of—
- (a) 31st March 2015, and
 - (b) the last day of the month in which this Order comes into force; and”;
- ““solar pv station” means a generating station that generates electricity from the direct conversion of sunlight into electricity.”; and
- (b) after the definition of “relevant date” omit “and”.
- (3) In paragraph (2), after the entry for “regular biomass” insert—
- ““total installed capacity”;”.

(3) S.S.I. 2009/140, as amended by S.S.I. 2009/276, S.S.I. 2010/147, S.S.I. 2011/225, paragraph 22 of the Schedule to S.S.I. 2011/226, S.S.I. 2013/116 and S.S.I. 2014/94.

(4) S.I. 2009/785, as amended by S.I. 2010/1107, S.I. 2011/984, paragraph 29 of Schedule 4 to S.I. 2011/988, S.I. 2013/768 and S.I. 2014/893.

(5) 1989 c.29. Section 32 was substituted by section 37 of the Energy Act 2008 (c.32).