
STATUTORY INSTRUMENTS

2015 No. 920

The Renewables Obligation Closure (Amendment) Order 2015

Large solar pv stations

3. After article 2 of the Closure Order insert—

“No certificates to be issued in respect of electricity generated after the solar pv closure date by large solar pv stations

2A.—(1) Subject to paragraph (2), no renewables obligation certificates are to be issued under a renewables obligation order in respect of electricity generated after the solar pv closure date by a large solar pv station.

(2) Paragraph (1) does not apply to electricity generated in the circumstances set out in any one or more of articles 2B to 2D.

Circumstances relating to the original capacity of large solar pv stations

2B.—(1) The circumstances set out in this article are where the electricity is generated using the original capacity of a large solar pv station—

- (a) which was accredited on or before the solar pv closure date,
- (b) which was granted preliminary accreditation on or before 13th May 2014 and which was accredited on or before 31st March 2016, or
- (c) which was accredited on or before 31st March 2016 and in respect of which the documents specified in paragraph (2) or (3) were provided to the Authority with the application for accreditation of the station.

(2) The documents specified in this paragraph are—

- (a) evidence of an agreement with a network operator (“the relevant network operator”) to carry out grid works in relation to the station (“the relevant grid works”);
- (b) a copy of a document written by, or on behalf of, the relevant network operator which estimated or set a date for completion of the relevant grid works (“the planned grid works completion date”) which was no later than 31st March 2015;
- (c) a letter or email written by, or on behalf of, the relevant network operator confirming (whether or not such confirmation is subject to any conditions or other terms) that—
 - (i) the relevant grid works were completed after the planned grid works completion date, and
 - (ii) in the relevant network operator’s opinion, the failure to complete the relevant grid works on or before the planned grid works completion date was not due to any breach by a developer of the station of any agreement with the relevant network operator; and

- (d) a declaration by the operator of the station that, to the best of their knowledge and belief, the station would have been commissioned on or before 31st March 2015 if the relevant grid works had been completed on or before the planned grid works completion date.
- (3) The documents specified in this paragraph are—
- (a) subject to paragraph (4), evidence that an application for planning permission for the station was made on or before 13th May 2014;
- (b) subject to paragraph (5)—
- (i) a copy of an offer from a licensed network operator made on or before 13th May 2014 to carry out grid works in relation to the station, and
- (ii) evidence that the offer referred to in paragraph (i) was accepted on or before 13th May 2014 (whether or not such acceptance was subject to any conditions or other terms); and
- (c) a declaration by the operator of the station that, to the best of their knowledge and belief, as at 13th May 2014 a developer of the station (or a person connected with a developer of the station within the meaning of section 1122 of the Corporation Tax Act 2010⁽¹⁾)—
- (i) was an owner or lessee of the land on which the station is situated,
- (ii) had entered into an agreement to lease the land on which the station is situated,
- (iii) had an option to purchase or to lease the land on which the station is situated; or
- (iv) was a party to an exclusivity agreement in relation to the land on which the station is situated.
- (4) Paragraph (3)(a) does not apply if the application for accreditation of the station is accompanied by—
- (a) a copy of a planning permission for the station which was granted on or before 13th May 2014, or
- (b) a declaration by the operator of the station that, to the best of their knowledge and belief, planning permission is not required for the station.
- (5) Paragraph (3)(b) does not apply if the application for accreditation of the station is accompanied by a declaration by the operator of the station that, to the best of their knowledge and belief, no grid works were required to be carried out by a licensed network operator in order to enable the station to be commissioned.
- (6) In paragraph (1)(b), “preliminary accreditation” has the same meaning as in the Renewables Obligation Order 2009⁽²⁾.

Circumstances relating to pre-2016 additional capacity used by large solar pv stations accredited on or before 13th May 2014

- 2C.—(1) The circumstances set out in this article are where the electricity is generated—
- (a) using pre-2016 additional capacity, and
- (b) by a large solar pv station—
- (i) which was accredited on or before 13th May 2014, and

(1) 2010 c.4.

(2) 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.

- (ii) in relation to which the documents specified in paragraph (2) have been submitted by the operator of the station to the Authority.
- (2) The documents specified in this paragraph are—
 - (a) subject to paragraph (3), evidence that an application was made on or before 13th May 2014 for planning permission for the pre-2016 additional capacity to form part of the station;
 - (b) subject to paragraph (4)—
 - (i) a copy of an offer from a licensed network operator made on or before 13th May 2014 to modify the connection between the station and a transmission or distribution system in order to enable the electricity generated using pre-2016 additional capacity to be conveyed over that connection, and
 - (ii) evidence that the offer referred to in paragraph (i) was accepted on or before 13th May 2014 (whether or not such acceptance was subject to any conditions or other terms); and
 - (c) a declaration by the operator of the station that, to the best of their knowledge and belief, as at 13th May 2014 a developer of the station (or a person connected with a developer of the station within the meaning of section 1122 of the Corporation Tax Act 2010)—
 - (i) was an owner or lessee of the land on which the station is situated,
 - (ii) had entered into an agreement to lease the land on which the station is situated,
 - (iii) had an option to purchase or to lease the land on which the station is situated, or
 - (iv) was a party to an exclusivity agreement in relation to the land on which the station is situated.
- (3) Paragraph (2)(a) does not apply if the operator of the station has submitted to the Authority—
 - (a) a copy of a planning permission which was granted on or before 13th May 2014 for the pre-2016 additional capacity to form part of the station, or
 - (b) a declaration in writing by the operator of the station that, to the best of their knowledge and belief, planning permission is not required for the pre-2016 additional capacity to form part of the station.
- (4) Paragraph (2)(b) does not apply if the operator of the station has submitted to the Authority a declaration in writing that, to the best of their knowledge and belief—
 - (a) the station is not connected to any transmission or distribution system, or
 - (b) no modifications to the connection between the station and a transmission or distribution system were required to be carried out by a licensed network operator in order to enable the electricity generated using pre-2016 additional capacity to be conveyed over that connection.

Circumstances relating to additional capacity used by large solar pv stations accredited on or before the solar pv closure date

2D.—(1) The circumstances set out in this article are where the electricity is generated by a large solar pv station which was accredited on or before the solar pv closure date and generated using—

- (a) additional capacity which in the Authority’s view first formed part of the station from a date no later than the solar pv closure date, or
 - (b) pre-2016 additional capacity in respect of which the documents specified in paragraph (2) have been submitted by the operator of the station to the Authority.
- (2) The documents specified in this paragraph are—
- (a) evidence of an agreement with a network operator (“the relevant network operator”) to carry out grid works in relation to the station (“the relevant grid works”);
 - (b) a copy of a document written by, or on behalf of, the relevant network operator which estimated or set a date for completion of the relevant grid works (“the planned grid works completion date”) which was no later than 31st March 2015;
 - (c) a letter or email written by, or on behalf of, the relevant network operator confirming (whether or not such confirmation is subject to any conditions or other terms) that—
 - (i) the relevant grid works were completed after the planned grid works completion date, and
 - (ii) in the relevant network operator’s opinion, the failure to complete the relevant grid works on or before the planned grid works completion date was not due to any breach by a developer of the station of any agreement with the relevant network operator; and
 - (d) a declaration by the operator of the station that, to the best of their knowledge and belief, the pre-2016 additional capacity would have formed part of the station on or before 31st March 2015 if the relevant grid works had been completed on or before the planned grid works completion date.”.