

2017 No. 731

ELECTRICITY

**The Electricity (Exemptions from the Requirement for a
Generation Licence) Order 2017**

<i>Made</i> - - - -	<i>10th July 2017</i>
<i>Laid before Parliament</i>	<i>11th July 2017</i>
<i>Coming into force</i> - -	<i>4th August 2017</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 5 of the Electricity Act 1989(a).

The Secretary of State has given notice of the proposal to make this Order in accordance with section 5(2) and (3) of that Act and has considered representations made in respect of the proposal.

The Secretary of State has consulted with the Scottish Ministers about the exemptions granted by this Order in respect of electricity generating stations in Scotland(b).

Citation and commencement

1. This Order may be cited as the Electricity (Exemptions from the Requirement for a Generation Licence) Order 2017 and comes into force on 4th August 2017.

Interpretation

2. In this Order—

“the Act” means the Electricity Act 1989;

“the total system” means all transmission systems and distribution systems, located in Great Britain, of holders of licences under section 6(1)(b) and (c) of the Act(c).

Exemptions from section 4(1)(a) of the Act

3.—(1) Subject to paragraph (2), each company named in the first column of the following table is granted exemption from section 4(1)(a) of the Act (prohibition of unlicensed generation of electricity for supply) in respect of the electricity generating station described in the corresponding entry in the second column.

(a) 1989 c. 29. Section 5 was substituted by section 29 of the Utilities Act 2000 (c. 27).
(b) Under article 4 of, and Schedule 3 to, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750), functions under section 5(1) of the Electricity Act 1989 are, in so far as they are exercisable in or as regards Scotland, exercisable only after consultation with the Scottish Ministers.
(c) Section 6 was substituted by section 30 of the Utilities Act 2000, and section 6(1)(b) was further substituted by section 136(1) of the Energy Act 2004 (c. 20).

<i>Company</i>	<i>Description of electricity generating station</i>
Banks Renewables (Kype Muir Wind Farm) Limited, a company registered in England and Wales with company number 06917667.	Kype Muir Wind Farm, whose entrance is located at Ordnance Survey map reference NS 690 401, approximately 5 kilometres south of Strathaven, South Lanarkshire.
Banks Renewables (Middle Muir Wind Farm) Limited, a company registered in England and Wales with company number 07376956.	Middle Muir Wind Farm, whose entrance is located at Ordnance Survey map reference NS 867 273, approximately 2 kilometres north of Crawfordjohn, South Lanarkshire.
Brockloch Rig Windfarm Limited, a company registered in Scotland with company number SC149100.	Brockloch Rig Windfarm (also known as Windy Standard 2 Windfarm), located at Ordnance Survey map reference NS 601 043, approximately 11 kilometres north-northeast of Carsphairn, Dumfries and Galloway.
Heck Fen Wind Park Limited, a company registered in England and Wales with company number 08323021.	Heckington Fen Wind Park, whose entrance is located at Ordnance Survey map reference TF 205 457, at East Heckington, Lincolnshire.
Innogy Renewables UK Limited, a company registered in England and Wales with company number 02550622.	Brechfa Forest West Wind Farm, whose entrance is located at Ordnance Survey map reference SN 460 349, approximately 2 kilometres south east of Pencader, Carmarthenshire.
Ray Wind Farm Limited, a company registered in England and Wales with company number 09397602.	Ray Wind Farm, whose entrance is located at Ordnance Survey map reference NY 965 884, at Ray Estate, approximately 5 kilometres north west of Kirkwhelpington, Northumberland.
RWE Cogen UK Limited, a company registered in England and Wales with company number 02624987.	Cheshire Power Station, whose entrance is located at Ordnance Survey map reference SJ 392 783, Ellesmere Port, South Wirral, Cheshire CH65 1AF.
Snowdonia Pumped Hydro Limited, a company registered in England and Wales with company number 08644844.	Glyn Rhonwy Pumped Hydro, whose entrance is located at Ordnance Survey map reference SH 567 608, approximately 1 kilometre north west of Llanberis, Gwynedd.

(2) Each of the exemptions granted by paragraph (1) is subject to compliance with the conditions specified in the Schedule in relation to that exemption.

10th July 2017

Richard Harrington
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

SCHEDULE

Article 3(2)

Conditions applying to exemptions

1. The exemption granted by article 3(1) to Banks Renewables (Kype Muir Wind Farm) Limited in respect of Kype Muir Wind Farm is subject to the conditions that—

- (a) Kype Muir Wind Farm is connected to the total system;
- (b) except in circumstances outside the reasonable control of Banks Renewables (Kype Muir Wind Farm) Limited, Kype Muir Wind Farm does not export more than 100 megawatts of electrical power to the total system; and

- (c) Banks Renewables (Kype Muir Wind Farm) Limited does not hold a licence under section 6(1)(a) of the Act.
- 2.** The exemption granted by article 3(1) to Banks Renewables (Middle Muir Wind Farm) Limited in respect of Middle Muir Wind Farm is subject to the conditions that—
- (a) Middle Muir Wind Farm is connected to the total system;
 - (b) except in circumstances outside the reasonable control of Banks Renewables (Middle Muir Wind Farm) Limited, Middle Muir Wind Farm does not export more than 100 megawatts of electrical power to the total system; and
 - (c) Banks Renewables (Middle Muir Wind Farm) Limited does not hold a licence under section 6(1)(a) of the Act.
- 3.** The exemption granted by article 3(1) to Brockloch Rig Windfarm Limited in respect of Brockloch Rig Windfarm is subject to the conditions that—
- (a) Brockloch Rig Windfarm is connected to the total system;
 - (b) except in circumstances outside the reasonable control of Brockloch Rig Windfarm Limited, Brockloch Rig Windfarm does not export more than 100 megawatts of electrical power to the total system; and
 - (c) Brockloch Rig Windfarm Limited does not hold a licence under section 6(1)(a) of the Act.
- 4.** The exemption granted by article 3(1) to Heck Fen Wind Park Limited in respect of Heckington Fen Wind Park is subject to the conditions that—
- (a) Heckington Fen Wind Park is connected to the total system;
 - (b) except in circumstances outside the reasonable control of Heck Fen Wind Park Limited, Heckington Fen Wind Park does not export more than 100 megawatts of electrical power to the total system; and
 - (c) Heck Fen Wind Park Limited does not hold a licence under section 6(1)(a) of the Act.
- 5.** The exemption granted by article 3(1) to Innogy Renewables UK Limited in respect of Brechfa Forest West Wind Farm is subject to the conditions that—
- (a) Brechfa Forest West Wind Farm is connected to the total system;
 - (b) except in circumstances outside the reasonable control of Innogy Renewables UK Limited, Brechfa Forest West Wind Farm does not export more than 100 megawatts of electrical power to the total system; and
 - (c) Innogy Renewables UK Limited does not hold a licence under section 6(1)(a) of the Act.
- 6.** The exemption granted by article 3(1) to Ray Wind Farm Limited in respect of Ray Wind Farm is subject to the conditions that—
- (a) Ray Wind Farm is connected to the total system;
 - (b) except in circumstances outside the reasonable control of Ray Wind Farm Limited, Ray Wind Farm does not export more than 100 megawatts of electrical power to the total system; and
 - (c) Ray Wind Farm Limited does not hold a licence under section 6(1)(a) of the Act.
- 7.** The exemption granted by article 3(1) to RWE Cogen UK Limited in respect of Cheshire Power Station is subject to the conditions that—
- (a) Cheshire Power Station is connected to the total system;
 - (b) except in circumstances outside the reasonable control of RWE Cogen UK Limited, Cheshire Power Station does not export more than 100 megawatts of electrical power to the total system; and
 - (c) RWE Cogen UK Limited does not hold a licence under section 6(1)(a) of the Act.

8. The exemption granted by article 3(1) to Snowdonia Pumped Hydro Limited in respect of Glyn Rhonwy Pumped Hydro is subject to the conditions that—

- (a) Glyn Rhonwy Pumped Hydro is connected to the total system;
- (b) except in circumstances outside the reasonable control of Snowdonia Pumped Hydro Limited, Glyn Rhonwy Pumped Hydro does not export more than 100 megawatts of electrical power to the total system; and
- (c) Snowdonia Pumped Hydro Limited does not hold a licence under section 6(1)(a) of the Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants exemptions from section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply to any premises without a licence) in relation to eight electricity generating stations in Great Britain. The companies granted exemptions are:

- Banks Renewables (Kype Muir Wind Farm) Limited, in relation to Kype Muir Wind Farm, an electricity generating station whose entrance is located at Ordnance Survey map reference NS 690 401, approximately 5 kilometres south of Strathaven, South Lanarkshire;
- Banks Renewables (Middle Muir Wind Farm) Limited, in relation to Middle Muir Wind Farm, an electricity generating station whose entrance is located at Ordnance Survey map reference NS 867 273, approximately 2 kilometres north of Crawfordjohn, South Lanarkshire;
- Brockloch Rig Windfarm Limited, in respect of Brockloch Rig Windfarm (also known as Windy Standard 2 Windfarm), an electricity generating station located at Ordnance Survey map reference NS 601 043, approximately 11 kilometres north-northeast of Carsphairn, Dumfries and Galloway;
- Heck Fen Wind Park Limited, in relation to Heckington Fen Wind Park, whose entrance is located at Ordnance Survey map reference TF 205 457, at East Heckington, Lincolnshire;
- Innogy Renewables UK Limited, in relation to Brechfa Forest West Wind Farm, whose entrance is located at Ordnance Survey map reference SN 460 349, approximately 2 kilometres south east of Pencader, Carmarthenshire;
- Ray Wind Farm Limited, in relation to Ray Wind Farm, whose entrance is located at Ordnance Survey map reference NY 965 884, at Ray Estate, approximately 5 kilometres north west of Kirkwhelpington, Northumberland;
- RWE Cogen UK Limited, in relation to Cheshire Power Station, whose entrance is located at Ordnance Survey map reference SJ 392 783, Ellesmere Port, South Wirral, Cheshire CH65 1AF; and
- Snowdonia Pumped Hydro Limited, in relation to Glyn Rhonwy Pumped Hydro, whose entrance is located at Ordnance Survey map reference SH 567 608, approximately 1 kilometre north west of Llanberis, Gwynedd.

A regulatory impact assessment in respect of exemptions from the requirements of section 4(1)(a) of the Electricity Act 1989 was prepared in 2001 and can be obtained from the Department for Business, Energy and Industrial Strategy, Energy Markets and Affordability Unit, 1 Victoria Street, London SW1H 0ET. Copies have been placed in the libraries of both Houses of Parliament.

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