



# Causeway Coast & Glens Borough Council

Department of Enterprise, Trade & Investment (DETI) – Closure of Northern Ireland Renewables Obligations (NIRO).

27<sup>th</sup> April 2016

**PLANNING COMMITTEE**

## Linkage to Council Strategy (2015-19)

Strategic Theme	Outcomes
<b>Leader and Champion</b>	<ul style="list-style-type: none"><li>We will establish key relationships with Government agencies and potential strategic partners in Northern Ireland and external to it which helps us to deliver our vision for this Council area.</li></ul>
<b>Accelerating our Economy and contributing to Prosperity</b>	<ul style="list-style-type: none"><li>The Council will work with its partners to maximise business start-up opportunities and encourage existing enterprises to grow and prosper.</li><li>The Council will work with partners to maximise investment funding opportunities from external sources including; the Northern Ireland Assembly, the European Union, the Rural Development Programme and from private sector financing.</li></ul>
<b>Lead Officer</b>	Sharon Mulhern
<b>Cost:</b>	N/A

## For Decision

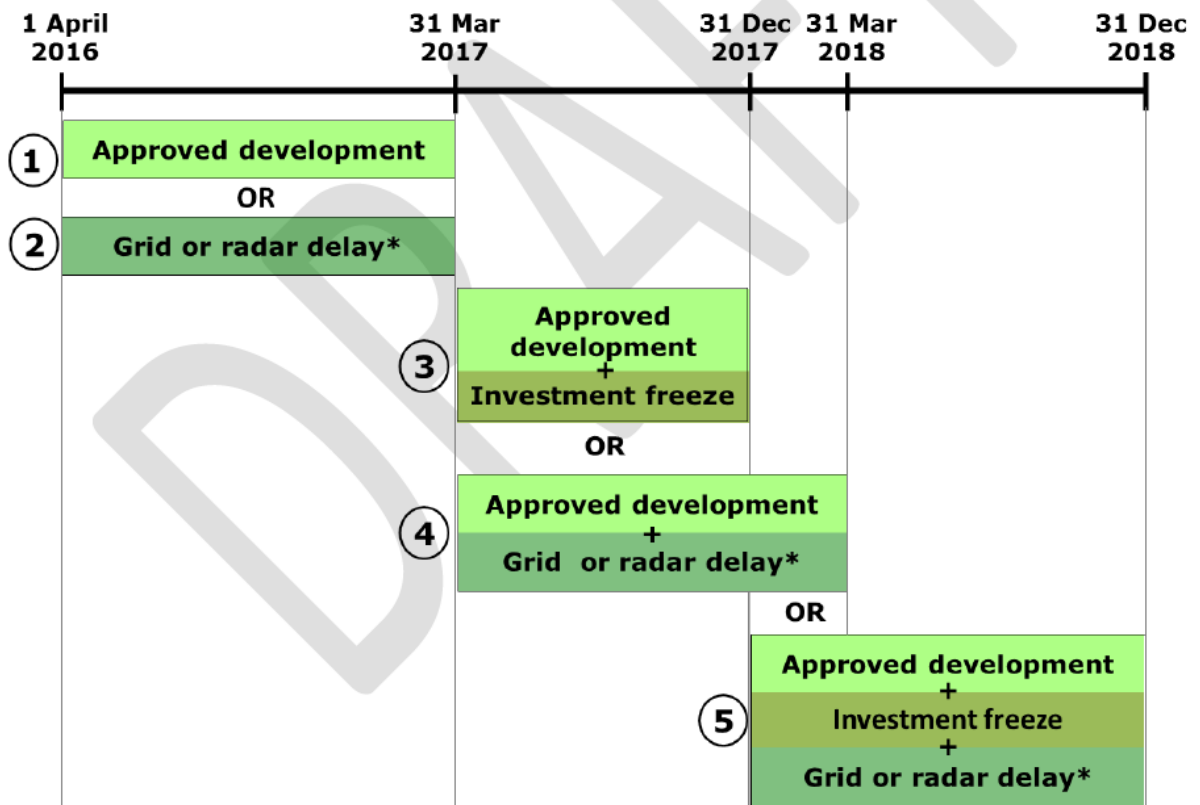
### 1.0 Background

- 1.1 On 4<sup>th</sup> March 2016, DETI announced its intent to close the Northern Ireland Renewables Obligations (NIRO) to onshore wind projects larger than 5MW. The closure has now been implemented via the Renewables Obligation Closure Order (Northern Ireland) 2016, which was passed by the Northern Ireland Assembly on 15<sup>th</sup> March 2016 and came into effect on 1<sup>st</sup> April 2016. Details of the closure are available to view via the following link  
<https://www.detini.gov.uk/consultations/closure-niro-new-onshore-wind-2016>.

## 2.0 Detail

- 2.1 The UK wide mechanism for incentivising renewable electricity production is the Renewables Obligation (RO) in Great Britain (GB) since 2002 and the NIRO in NI since 2005. This provides non-competitive support to renewable technologies which would otherwise be unable to compete on a cost basis with conventional generation.
- 2.2 Originally, in GB the ROs were to cease on 1<sup>st</sup> April 2017. However, on 18<sup>th</sup> June 2015 the Department of Energy and Climate Change (DECC) announced they would close one year early (1<sup>st</sup> April 2016) due to significant financial pressures on the Levy Control Framework.
- 2.3 Notwithstanding that energy policy is devolved, DETI was advised that if NI wished to deviate from the revised GB approach, NI customers would have to meet all of the associated additional costs.
- 2.4 The DETI Minister twice brought forward proposals to the Assembly which were intended to gain support to retain the policy up to 2017. However, given the additional burden on domestic and non-domestic consumers to achieve this, the proposals were not accepted.
- 2.5 The DETI Minister subsequently published a consultation document entitled “*Closure of the Northern Ireland Renewables Obligation to new onshore wind in 2016*” in September 2015. This paper detailed a proposal to align NI with the DECC policy by closing the NIRO to new onshore wind projects from 1<sup>st</sup> April 2016, but with grace periods (See Table 1 over) for those projects which meet the following eligibility criteria:
  - In order to be eligible for the proposed early closure grace period, **cluster-connection projects** will need to demonstrate that they satisfy all of the grace period conditions as of **30<sup>th</sup> October 2015**. While there is no legal definition of a cluster yet, it appears to be where applicants have grouped together to get their connection to NIE from a single substation. This connection policy is unique to NI.
  - The eligibility date for wind projects **not connecting to clusters** will mirror the GB position and is therefore the date of the publication of the DETI Ministerial document dated **30<sup>th</sup> September 2015**.

Figure 1: Grace periods available for large onshore wind and the conditions that must be met



\*Depending on when the grid or radar delay condition is being applied for, the latest date a station should have evidence to meet this condition in place (the 'primary date') will differ.

2.6 “Approved development” (see Table 1 above); these are generating stations that had **all** of the following in place by the relevant eligibility date (specified at paragraph 2.5 over):

- Planning Permission;
- Grid connection; and
- Land rights.

2.7 Other renewables technologies are not affected by this proposal.

2.8 DETI published its response to consultation on the NIRO closure in March 2016 in the document entitled “DETI Response - Energy”.

**3.0 OFGEM E-SERVE - Draft Guidance on closure of the Scheme**

3.1 Ofgem, the body that administers the NIRO in NI published draft guidance on 24<sup>th</sup> March 2016, attached at Appendix 1. This covers how they will administer the early closure of the NIRO and the grace periods that will be available when the closure comes into force. The closing date for feedback is 21<sup>st</sup> April 2016.

3.2 It should be noted that this is not a consultation on the content of the guidance or the policy underpinning the Renewables Obligation. It explains how the early

closure will be administered, the grace periods that will be available and the process for applying and information required.

- 3.3 One of the key qualifying criteria for support under the NIRO from 1<sup>st</sup> April 2016 will be demonstrating that planning permission was in place at the qualifying date or that if planning permission had expired and construction had started before the expiration date that no planning conditions had been breached.
- 3.4 In planning terms the clearest way to achieve this would be for the developer to submit a Certificate of Lawful Development Existing, where Council would consider:
- Have all pre-commencement conditions been discharged? (Developer should be able to submit written confirmation from Council/DOE that the relevant pre-commencement conditions have been discharged).
  - Are the works carried out lawful under the planning permission granted and has a material start been made? (site inspection by Council and/or photographic evidence from the developer); and
- 3.5 If the developer could satisfy both of these then a certificate would be issued stating that the development carried out is lawful under the permission granted; that development has commenced within the required time period; and, that no pre-commencement conditions have been breached.
- 3.6 It should be noted that Certificates of Lawful Development Existing would require a full planning application fee.

#### **4.0 Recommendation**

- 4.1 **IT IS RECOMMENDED** that Members note the content of the report and agree to Head of Planning responding to DETI on behalf of Council along the lines of para. 3.4 above.

Dear stakeholder,

**CONSULTATION ON OFGEM E-SERVE'S DRAFT GUIDANCE – NORTHERN IRELAND RENEWABLES OBLIGATION: CLOSURE OF THE SCHEME TO LARGE ONSHORE WIND**

We're writing to let you know that we've published draft guidance 'Northern Ireland Renewables Obligation (NIRO): closure of the scheme to large onshore wind' today for a four-week consultation period. The draft guidance is in annex 1.

**We'd like your feedback on the draft guidance. The closing date for responding to the consultation is 21 April 2016.**

The draft guidance explains our proposed administration of the closure of the NIRO to onshore wind stations, including the process for applying for the grace periods that are available. The guidance is based on the Renewable Obligation Closure Order (Northern Ireland) 2016 which was made on 16 March 2016. The closure will come into operation on 1 April 2016.

How to respond

The purpose of this consultation is to gain your views on our proposed administration of the grace period and the process for applying. In responding, please answer the following questions:

1. Do you have any concerns relating to the proposed processes for administering the closure of the RO to onshore wind and the grace periods as set out in this document?
2. Are there any aspects of this guidance that could be made clearer or improved? If so, please provide specific comments including section references.
3. Are there any omissions in this guidance? If so, please provide comments.

**Email your response to:**

[REDevelopment@ofgem.gov.uk](mailto:REDevelopment@ofgem.gov.uk)

**Or send it to:**

RE Development Team  
Ofgem  
9 Millbank,  
London SW1P 3GE

Please be aware that this is not a consultation on the policy underpinning the Renewables Obligation, but on the clarity of the guidance document. If you have queries about the policy, send them to the Department for Enterprise, Trade and Investment in Northern Ireland (DETINI)). You can find contact details at: [www.detini.gov.uk](http://www.detini.gov.uk).

If you want your response to be kept confidential, please clearly mark the document/s to that effect and include your reasons. (However, this may be subject to any obligations to disclose information, for example, under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004).

Next steps

Once we have considered the responses to this consultation, we will publish the final guidance document as soon as possible.

**Until the closure comes into force, you should refer to the current legislation and guidance.**

If you have any comments or concerns about how this consultation has been conducted, please refer to annex 2.

Yours sincerely,

**Renewable Electricity Development Team**

# Annex 1

## Draft guidance

Northern Ireland Renewables Obligation:  
Closure of the scheme to large onshore  
wind

# **DRAFT Northern Ireland Renewables Obligation: closure of the scheme to large onshore wind**

## **Guidance**

24 March 2016

DRAFT



## Overview

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This draft guidance is for developers and operators of large (>5MW) onshore wind generating stations in Northern Ireland who will be affected by the closure of the Northern Ireland Renewables Obligation (NIRO) scheme to large onshore wind on 1 April 2016. It explains how we will administer the early closure and the grace periods that will be available. We are publishing this draft version of the guidance for comment now to help industry prepare for the closure of the scheme.

This early closure of the scheme will be brought into effect by the Renewables Obligation Closure Order (Northern Ireland) 2016. The closure will apply to new generating stations and any additional capacity added to existing stations. Operators of stations that meet certain specified conditions may be eligible for a grace period, meaning that they can apply for accreditation after the closure date.

This document is for guidance only and is not a legal guide.

## Context

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The Northern Renewables Obligation (NIRO) is designed to incentivise large-scale renewable electricity generation in Northern Ireland and help the UK meet its requirements for 15 per cent of energy to be sourced from renewable sources by 2020. The Gas and Electricity Markets Authority (the Authority) administers the scheme on behalf of the Northern Ireland Authority for Utility Regulation (UREGNI), and its day-to-day functions are performed by Ofgem.

The NIRO scheme is provided for under the Renewables Obligation (Northern Ireland) Order 2009 (as amended). The Order places an obligation on licensed electricity suppliers in Northern Ireland to source an increasing proportion of electricity from renewable sources.

The Renewables Obligation Closure Order (Northern Ireland) 2016 will close the NIRO scheme for new large (>5MW) onshore wind generating capacity from 1 April 2016. This Order also introduces five grace periods. Subject to one or more of three specified conditions being met, the grace periods enable large onshore wind generating capacity to be accredited after 1 April 2016.

This draft guidance document explains how we will administer the early closure and the grace periods that will be available when the Renewables Obligation Closure Order (Northern Ireland) 2016 comes into force on 1 April 2016. We will collect feedback on this draft document and make changes to it before it is finalised. A list of the changes made to the document as a result of the consultation will be published alongside the final document.

This document should be read in conjunction with chapter 3 of [RO: Guidance for generators](#), which has full details on seeking accreditation under the NIRO. This document is for guidance only and is not a legal guide.

This document is for guidance only and is not a legal guide. Generators might find it helpful to seek their own legal and technical advice before applying. The document does not anticipate every scenario which may arise. We will collect feedback on this draft document and make changes to it before it is finalised. A list of the changes made to the document as a result of the consultation will be published alongside the final document. If a scenario arises but is not addressed in these procedures, we will act in a way that's consistent with legislation. We will publish any additional guidance on our website.

## Associated documents

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The following documents support this publication:

### Legislation

- Information on the proposals to close the Northern Ireland Renewables Obligation to large onshore wind early:

<https://www.detini.gov.uk/consultations/closure-niro-new-onshore-wind-2016>

- The Renewable Obligation Closure Order (Northern Ireland) 2016:

[http://www.legislation.gov.uk/nisr/2016/174/pdfs/nisr\\_20160174\\_en.pdf](http://www.legislation.gov.uk/nisr/2016/174/pdfs/nisr_20160174_en.pdf)

The Renewables Obligation Order (Northern Ireland) 2009, as well as its amendment Orders for 2011, 2013, 2014, 2015 and 2016 can be found at: [www.legislation.gov.uk](http://www.legislation.gov.uk).

### Guidance

All documents are available at [www.ofgem.gov.uk/ro](http://www.ofgem.gov.uk/ro):

- Renewables Obligation: Guidance for generators
- Renewables and CHP Register User Guide ('the User Guide')
- Renewables Obligation: Essential guide to commissioning

# Contents

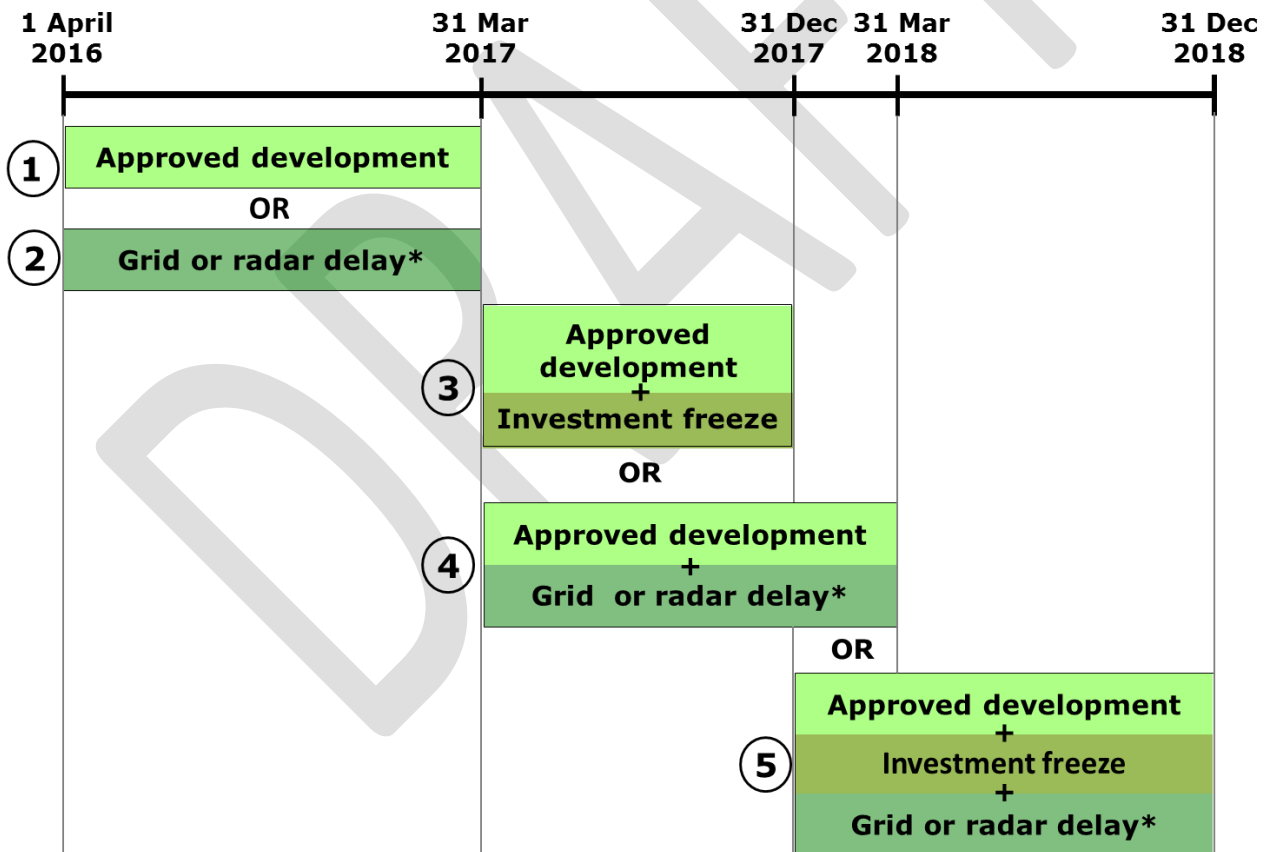
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# Executive Summary

The Northern Ireland Renewables Obligation (NIRO) incentive scheme is scheduled to close to new capacity on 31 March 2017. However, the Renewables Obligation Closure Order (Northern Ireland) 2016 (NIRO Closure Order 2016), will close the NIRO scheme to all new large (>5MW) onshore wind capacity one year earlier. This means that from 1 April 2016 the NIRO will close to any new large onshore wind generating capacity in Northern Ireland, including additional capacity. Potential closure of the NIRO to small onshore wind ( $\leq 5\text{MW}$ ) will be the subject of a further round of consultation by the Department for Enterprise, Trade and Investment in Northern Ireland (DETINI).

The NIRO Closure Order 2016 also proposes to introduce grace periods for stations affected by the early closure. If the grace period conditions are met, and if all other NIRO eligibility criteria are met, the grace periods enable large onshore wind generating capacity to gain accreditation under the NIRO between 1 April 2016 and 31 December 2018. The proposed grace periods and the conditions which must be met for each are shown in Figure 1.

**Figure 1: Grace periods available for large onshore wind and the conditions that must be met**



\*Depending on when the grid or radar delay condition is being applied for, the latest date a station should have evidence to meet this condition in place (the 'primary date') will differ.

The three conditions that are set out in the NIRO Closure Order 2016 are:

- i. 'approved development' condition: for generating stations where a grid connection agreement, land rights and the planning permission were in place on or before the relevant eligibility date<sup>1</sup>
- ii. 'grid or radar delay' condition: for generating stations that have been subject to grid connection or radar works delays that were not because of a breach by a developer, and
- iii. 'investment freezing' condition: for generating stations where required finance could not be obtained as a result of legislative uncertainty before the NIRO Closure Order 2016 is made.

This guidance document explains how we will administer the early closure and the grace periods. Please read it together with the [RO: Guidance for generators](#) which provides full details on seeking accreditation under the NIRO.

It also explains the process for applying for accreditation and a grace period at the same time. To gain accreditation for large onshore wind stations after 31 March 2016, you will need to submit an application for accreditation, submit the necessary grace period evidence, commission the station and meet all NIRO eligibility and relevant grace period conditions on or before the grace period's closing date. The individual grace periods end on different dates, but all grace periods will be closed by 31 December 2018, after which we will not accept any applications for the NIRO from large onshore wind stations in Northern Ireland.

This document is for guidance only and is not a legal guide.

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<sup>1</sup> The 'relevant eligibility date' is 30 September 2015 for non-cluster connecting generating stations and 30 October 2015 for cluster connecting stations.

# 1. Introduction

## Chapter summary

Explains the background to the proposed changes for large onshore wind generating stations intended to take effect from 1 April 2016, the key terms the operators should be aware of, and Ofgem's functions as administrator of the NIRO scheme.

- 1.1. The Renewables Obligation Closure Order (Northern Ireland) 2016 (NIRO Closure Order 2016) closes the Northern Ireland Renewables Obligation scheme (NIRO) to large onshore wind capacity from 1 April 2016. Large onshore wind generating stations are onshore wind generating stations where the total installed capacity<sup>2</sup> (TIC) is more than 5 megawatts (MW). The early closure will apply to new large onshore wind generating stations and any additional capacity added to existing stations that are accredited under the NIRO where the TIC (including both the original and additional capacity) would be more than 5MW. Between 1 April 2016 and 31 December 2018, five grace periods will be available for operators of generating stations affected by the closure, providing they meet certain conditions.
- 1.2. The NIRO will not close to small scale ( $\leq 5$ MW) onshore wind on 1 April 2016. Potential early closure of small onshore wind will be the subject of a further round of consultation by DETINI.
- 1.3. This guidance document explains how we intend to administer the early closure, and the grace periods that will be available. It should be read in conjunction with the [RO: Guidance for generators](#), which provides full details on seeking accreditation under the NIRO.

## Key terms explained

- 1.4. You should be aware of the meaning of the following key terms and approaches in reading this document. For full explanations and further helpful detail about these terms you should refer to the [RO: Guidance for generators](#).

## Generating stations

- 1.5. There is no definition of 'generating station' in the legislation. It is defined in the Shorter Oxford English Dictionary as a "building and site for generating electrical current" and in the Oxford English Dictionary as a "power station for the generation of electricity".
- 1.6. Chapter 2 in the [RO: Guidance for generators](#) gives further details on the factors we may consider when determining what constitutes a generating station.

<sup>2</sup> As defined by Article 2 of the NIRO, "total installed capacity" in relation to a generating station, means the maximum capacity at which the station could be operated for a sustained period without causing damage to it (assuming the source of power used by it to generate electricity was available to it without interruption)

## Commissioned

1.7. Generating stations must be commissioned in order to be eligible for accreditation. The NIRO defines "commissioned" as:

"commissioned", 'in relation to a generating station, means the completion of such procedures and tests in relation to that station as constitute, at the time they are undertaken, the usual industry standards and practices for commissioning that type of generating station in order to demonstrate that that generating station is capable of commercial operation.'

1.8. The [RO: Guidance for generators](#) and [RO: Essential guide to commissioning](#) provide more information on what is required to demonstrate a generating station has been commissioned.

## Use of "NIRO"

1.9. Where we use "NIRO" in this document, it means the Renewables Obligation (Northern Ireland) 2009 scheme as amended. The "NIRO Closure Order 2016" means the Renewables Obligation Closure Order (Northern Ireland) 2016. Where we use "RO", it means the Renewables Obligation scheme, the Renewables Obligation (Scotland) scheme and the Renewables Obligation (Northern Ireland) scheme.

## Ofgem's functions

1.10. The NIRO details what the Authority does for the NIRO scheme on behalf of the Utility Regulator Northern Ireland (UREGNI). A number of these functions are carried out via our IT system, which is called the Renewables and CHP Register (the Register). These duties include:

- Accrediting generating stations as being capable of generating electricity from eligible renewable energy sources
- Issuing Northern Ireland Renewable Obligation Certificates (NIROCs)
- Establishing and maintaining a register of NIROCs
- Revoking NIROCs if necessary
- Monitoring compliance with the requirements of the NIRO
- Calculating annually the buy-out price resulting from the adjustments made to reflect changes in the Retail Price Index (RPI)
- Receiving buy-out payments and redistributing the buy-out fund
- Receiving late payments and redistributing the late payment fund
- Recovering the administration costs of the NIRO from the buy-out fund
- Publishing an annual report on the operation of and compliance with the requirements of the RO Orders, including the NIRO.

1.11. Further information about the NIRO scheme is available in the associated documents (see page 3).

## 2. Eligibility for the NIRO from 1 April 2016

### Chapter summary

Explains the impact of the closure of the scheme to large onshore wind generating capacity. Also covers the scenarios in which new large onshore wind generating stations may or may not be eligible for the NIRO, and the scenarios in which NIRO accredited onshore wind generating stations may add additional extra capacity under the NIRO.

- 2.1. The NIRO will close to large onshore wind stations (ie an onshore wind generating station where the TIC is more than 5MW) from 1 April 2016.
- 2.2. From 1 April 2016:
  - any new large onshore wind generating station will be unable to apply for accreditation, either full or preliminary, under the NIRO
  - existing large onshore wind stations cannot add additional capacity under the NIRO, and
  - existing small onshore wind stations cannot add additional capacity under the NIRO which would bring the TIC (including both original and additional capacity) to over 5MW.
- 2.3. There are exceptions to these rules for capacity that is eligible for one of the grace periods available (see chapter 3 for details of what makes a station eligible for these grace periods).
- 2.4. An existing NIRO station may also wish to add capacity to a station in the knowledge that this capacity will not gain support under the NIRO. Such capacity is called 'excluded capacity' and must be declared to Ofgem. This is explained further in this chapter.

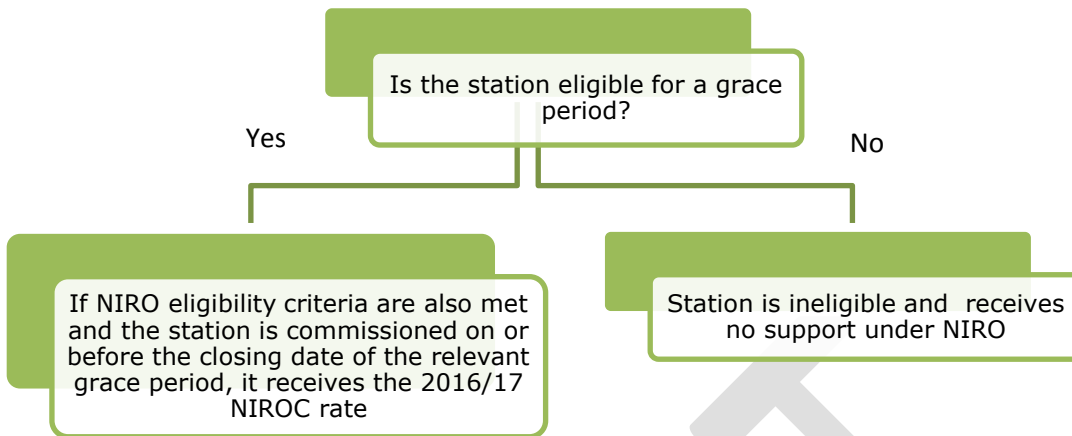
### Onshore wind generating station scenarios

#### New large onshore wind generating stations

- 2.5. Figure 2 shows how we will handle applications from new large onshore wind generating stations from 1 April 2016 until 31 December 2018. Any new large onshore wind station that applies will only be accredited if:
  - it is eligible for a grace period,
  - it meets the NIRO eligibility criteria,
  - it commissioned before the end of the appropriate grace period, and
  - an application in relation to the station was submitted before the end of the appropriate grace period.
- 2.6. Provided they meet the eligibility criteria and are commissioned by the end of the relevant grace period, they will gain accreditation under the NIRO.



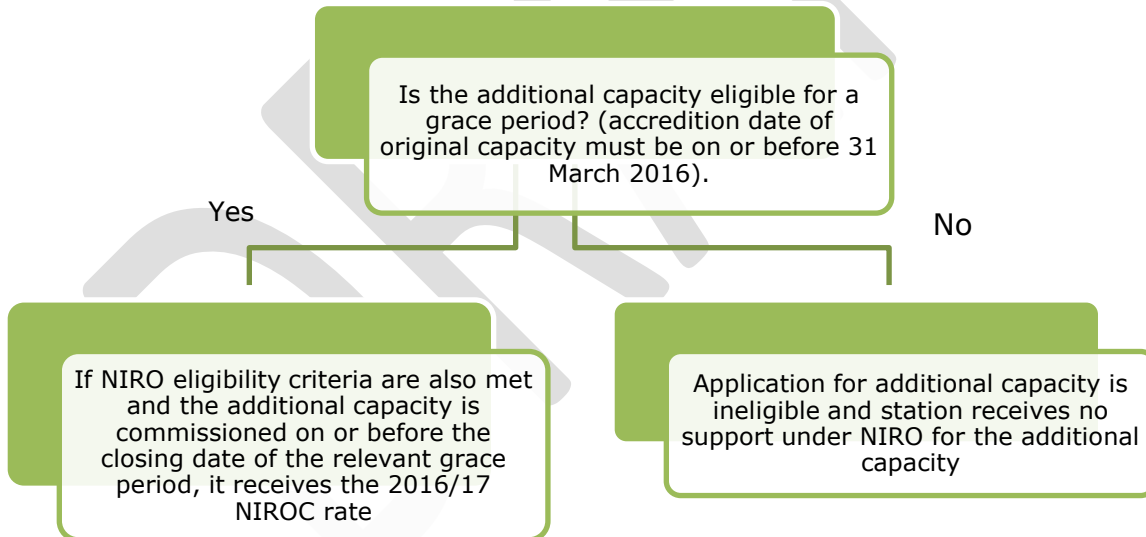
Figure 2



Adding additional capacity

2.7. Figure 3 shows how we will handle additional capacity being added to an onshore wind generating station from 1 April 2016 until 31 December 2018 where the TIC including both original and additional capacity is more than 5MW. Additional capacity added to a

Figure 3



station where the TIC is over 5MW will only be eligible for NIRO support if:

- it is eligible for a grace period
- it meets the NIRO eligibility criteria, and
- it commissioned before the close of the appropriate grace period.

2.8. For further information on adding additional capacity under the NIRO, refer to our [RO: Guidance for generators](#).

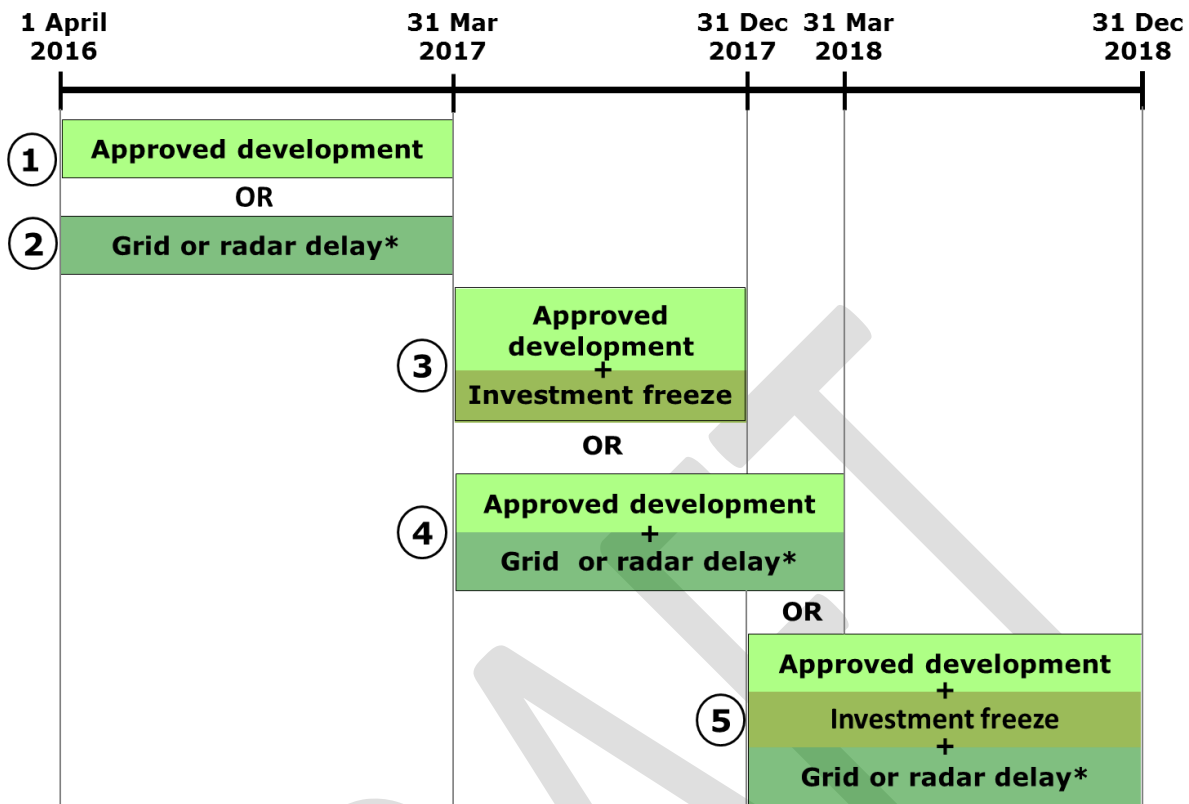
## 3. Eligibility for grace periods

### Chapter summary

Explains the five grace periods that will be available for large onshore wind generating capacity following the closure, which will allow the operator of a large onshore wind station to apply for accreditation after 31 March 2016. This chapter also describes the eligibility requirements and the evidence we would expect in support of an application.

- 3.1. The NIRO Closure Order 2016 will allow operators of large onshore wind stations in certain situations to apply for accreditation under the NIRO after it has closed on 1 April 2016 to large onshore wind generating capacity. To do so, you will need to apply for one of the available grace periods when you apply for accreditation from 1 April 2016 onwards. The grace period you are able to apply for will vary depending on whether you can provide evidence that you meet one or more of the conditions set out in the NIRO Closure Order 2016. We will not accept any applications from operators of new large onshore wind generating stations after 31 December 2018. The grace periods also cover operators applying for support for additional capacity where the TIC (including the original and additional capacity) exceeds 5MW.
- 3.2. A decision on eligibility for both accreditation and the grace period will be taken at the same time. You will have to be eligible for both. We will not assess your eligibility for a grace period before we receive an application for full accreditation. You must have commissioned by the end of your relevant grace period in order to be accredited under the scheme. The process for making the accreditation application, providing grace period evidence and commissioning evidence, is outlined in chapter 4. The evidence we would expect in order for you to meet the conditions is outlined below.
- 3.3. There are five grace periods that you may apply for. If you apply for accreditation in the first year after closure (1 April 2016 – 31 March 2017), there are two grace periods available, each requiring you to meet one of the conditions set out in the NIRO Closure Order 2016.
- 3.4. However, if you wish to apply for accreditation from 1 April 2017 you will have to meet at least two conditions. In order to qualify for any grace period after this date, evidence that the station is eligible for the 'approved development' condition will also be required alongside the 'grid and/or radar delay' condition and/or the 'investment freezing condition'.
- 3.5. This means that, generally, the later you commission within the whole onshore wind grace period window, the more conditions you will have to meet to be eligible under the scheme.
- 3.6. If applying for any of the grace periods which require you to meet the grid or radar delay condition, you should be aware of the importance of the 'primary date'. The primary date is the relevant cut-off date by which a station would have commissioned, but for grid and/or radar delays outside the developer's control, and the date is different depending on when you apply for accreditation. There is more detail on the primary date in paragraph 3.20.

Figure 4: Grace periods available and the conditions that must be met for a station to be eligible for accreditation under the NIRO grace periods from 1 April 2016.



\*Depending on when the grid or radar delay condition is being applied for, the latest date a station should have evidence to meet this condition in place (the 'primary date') will differ.

**N.B.** Evidence should not be submitted until the time you apply for accreditation - see chapter 4.

## Grace periods

### Grace periods available from 1 April 2016 to 31 March 2017

- **Approved development:** A grace period for generating stations that meet the 'approved development' condition. These are generating stations that had planning permission, grid connection and land rights in place in line with the condition, by the relevant eligibility date.<sup>3</sup>

**OR**

- **Grid and/or radar delay:** A grace period for generating stations that meet the 'grid and/or radar delay' condition. These are generating stations that would have commissioned by 31 March 2016 (the 'primary date'), but have been subject to grid and/or radar connection delays that were not due to a breach by a developer.

<sup>3</sup> See paragraph 3.8 for the definition of "relevant eligibility date"

### Grace period available from 1 April 2017 to 31 December 2017

- **'Approved development' AND 'investment freezing'**: A grace period for stations that meet **both** the **'approved development'** condition and the **'investment freezing'** condition. These are generating stations that would have commissioned by 31 March 2017, but were delayed beyond this date because the developer was unable to secure required finance due to uncertainty over whether the NIRO Closure Order 2016 would be made and its wording if made.

### Grace period available from 1 April 2017 to 31 March 2018

- **'Approved development' AND 'grid and/or radar delay'**: A grace period for stations that meet **both** the **'approved development'** condition and the **'grid or radar delay'** grace period. These are generating stations that would have commissioned by 31 March 2017 (the 'primary date'), but have been subject to grid and/or radar connection delays that were not due to a breach by a developer.

### Grace period available from 1 January 2018 to 31 December 2018

- **'Approved development' AND 'investment freezing' AND 'grid and/or radar delay'**: A grace period for generating stations that meet the **'approved development'** condition, and the **'investment freezing'** condition, and the **'grid or radar delay'** condition. These are generating stations that would have commissioned by 31 March 2017, but:
  - were delayed beyond that period because the developer was unable to secure required finance due to uncertainty over whether the Order would be made and its wording if made, and
  - were then unable to commission by 31 December 2017 (the 'primary date') because of grid and/or radar connection delays that were not due to a breach by a developer.

3.7. The eligibility criteria for each grace period and the evidence we would expect to see in support of a grace period application are outlined in the following sections. Applicants should also ensure that they understand the legislation that sets out the evidence requirements.

## Key terms

### 'Relevant eligibility date'

3.8. 'Relevant eligibility date' for a large onshore wind generation station or additional capacity, is defined in the NIRO Closure Order 2016 as:

- 30 September 2015** if the generating station is not connecting to a cluster, or
- 30 October 2015** if the generating station is connecting to a cluster.

3.9. The 'relevant eligibility date' is not the same as the accreditation date of the generating station ('effective date' on the register), which is sometimes referred to as the 'eligibility date' of the station.

### 'Connecting to a cluster'

3.10. A reference to a station being connected to a cluster means that the station is connected to a substation either:

- (a) via a high voltage line, or
- (b) via a low voltage line where the charging principles to be applied, in the case of a low voltage line, are those set out in section 7 of the Distribution Charging Statement (Charging Arrangements for Authorised Generators connecting to the network as part of a generator cluster) and approved by the Authority under Condition 32 of the Distribution Licence held by Northern Ireland Electricity Networks Limited.

### 'Relevant developer'

3.11. 'Relevant developer' in relation to an onshore wind generating station or additional capacity, is defined in the NIRO Closure Order 2016 as a person who:

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

## Meeting the 'approved development' condition

3.12. The following evidence and/or declarations must accompany an application for a grace period which requires the approved development condition to be met. You must provide:

- for planning permission: documents in relation to either option A or B (including evidence that your station is connecting to a cluster, if relevant), and
- for grid works offer and acceptance: documents in relation to either option A or B, and
- for land rights: the required declaration.

**Table 1: 'Approved development' condition evidence**

Type of evidence	Evidence option	Legislative requirement (as appears in NIRO Closure Order 2016)	What evidence could you provide?
Planning permission <sup>4</sup>	A	<p>(i) evidence that planning permission for the station or additional capacity was granted on or before the relevant eligibility date,<sup>5</sup> and</p> <p>(ii) any conditions as to the time period within which the development to which the permission relates must be begun have not been breached,</p>	<p><b>If your station is NOT connecting to a cluster:</b></p> <p>Decision notice from the relevant planning authority (eg the council) confirming planning permission has been granted for the station, or capacity in question, <b>dated on or before 30 September 2015.</b></p> <p><b>AND</b></p> <p>If the planning permission required you to start development within a particular time period, and you did not commission within that period, then we will require confirmation from the relevant planning authority that the time period conditions were not breached.</p> <p><b>If your station IS connecting to a cluster:</b></p> <p>Decision notice from the relevant planning authority (eg the council) confirming planning permission has been granted for the station, or capacity in question, <b>dated on or before 30 October 2015.</b></p> <p><b>AND</b></p> <p>A document from Northern Ireland Electricity Networks Limited that confirms that the station is connecting to a cluster.<sup>6</sup></p>

<sup>4</sup> 'Planning permission' is defined in the NIRO Closure Order 2016 as "(a) consent under section 39 of the Electricity (Northern Ireland) Order 1992(c), or (b) permission under the Planning (Northern Ireland) Act 2011 (Except outline planning permission, within the meaning of section 62 of that Act).

<sup>5</sup> See paragraph 3.8 for definition of 'relevant eligibility date'

<sup>6</sup> See paragraph 3.10 for definitions of "cluster connected stations" and "non-cluster connected stations"

Type of evidence	Evidence option	Legislative requirement (as appears in NIRO Closure Order 2016)	What evidence could you provide?
			<p><b>AND</b></p> <p>If the planning permission required you to start development within a particular time period, and you did not commission within that time period, then we will require confirmation from the relevant planning authority that the time period conditions were not breached.</p>
	<b>B</b>	A declaration by the operator of the station that, to the best of the operator's knowledge and belief, planning permission is not required for the station or additional capacity.	<p>We would expect planning permission to be required, but if not send us:</p> <p>a document signed by the operator of the station (ie, the super-user of the account on the register) stating that to the best of their knowledge and belief planning permission is not required for the station.</p>
<b>Grid works offer and acceptance</b>	<b>A</b>	A copy of an offer from a licensed network operator <sup>7</sup> made on or before the relevant eligibility date to carry out grid works in relation to the station or additional capacity, and evidence that the offer was accepted on or before the date (whether or not the acceptance was subject to any conditions or other terms).	<p><b>If your station is NOT connecting to a cluster:</b></p> <p>A copy of the offer to carry out grid works from a licensed network operator that was made <b>on or before 30 September 2015</b> and clearly states the location of the grid works and the connection capacity. We would expect the offer to cover the non-contestable aspects of any grid works required at a minimum.</p> <p><b>AND one of the following</b></p> <p>a. a letter from a licensed network operator confirming that the operator of the station accepted the grid works offer <b>on or before 30</b></p>

<sup>7</sup> 'Licensed network operator' is defined in the NIRO Closure Order 2016 as 'a distribution license holder or a transmission license holder'.

Type of evidence	Evidence option	Legislative requirement (as appears in NIRO Closure Order 2016)	What evidence could you provide?
			<p><b>September 2015</b></p> <p><b>or</b></p> <p>b. a signed acceptance form from the operator of the <b>station on or before 30 September 2015</b>.</p> <p><b>If your station IS connecting to a cluster:</b></p> <p>A copy of the offer to carry out grid works from a licensed network operator that was made <b>on or before 30 October 2015</b> and clearly states the location of the grid works and the connection capacity. We would expect the offer to cover the non-contestable aspects of any grid works required at a minimum.</p> <p><b>AND</b></p> <p>A document from Northern Ireland Electricity Networks Limited that confirms that the station is connecting to a cluster.</p> <p><b>AND one of the following</b></p> <p>a. a letter from a licensed network operator confirming that the operator of the station accepted the grid works offer <b>on or before 30 October</b>,</p> <p><b>or</b></p> <p>b. a signed acceptance form from the operator of the station <b>on or before 30 October</b>.</p>
	<b>B</b>	A declaration by the operator of the station that, to the best of the operator's 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	We anticipate that grid works would usually have been required. However, if not, send us a document signed by the operator of the station (ie, the super-user of the account on the register) stating that, to



Type of evidence	Evidence option	Legislative requirement (as appears in NIRO Closure Order 2016)	What evidence could you provide?
		commissioned or the additional capacity to form part of the station.	the best of their knowledge and belief, no grid works needed to be carried out by a licensed network operator to enable the station to be commissioned.
Land rights declaration	N/A	<p>A declaration by the operator of the station that, to the best of the operator’s knowledge and belief, as at the relevant eligibility date a relevant developer<sup>8</sup> of the station or additional capacity (or a person<sup>9</sup> connected, within the meaning of section 1122 of the Corporation Tax Act 2010(a), with a relevant developer of the station or additional capacity)—</p> <p>(a) was an owner or lessee of the land on which the station or additional capacity is situated,</p> <p>(b) had entered into an agreement to purchase or lease the land on which the station or additional capacity is situated,</p> <p>(c) had an option to purchase or to lease the land on which the station or additional capacity is situated, or</p> <p>(d) was a party to an exclusivity agreement<sup>10</sup> in relation to the land on which the station or additional capacity is situated</p>	<p>A declaration signed by the operator (ie the super-user of the account on the register) that follows template 1 in Appendix 3.</p> <p><b>AND</b></p> <p>If the land rights were only in place after 30 September 2015 but still on or before 30 October 2015, a document from Northern Ireland Electricity Networks Limited that confirms that the station is connecting to a cluster.</p>

3.13. In addition, projects may need off-site supporting infrastructure, which may require planning permission. Given this, we will only seek planning permission for the site where the electricity generating equipment will be.

### Variations to the required evidence

<sup>8</sup> See paragraph 3.11 for definition of ‘relevant developer’.

<sup>9</sup> A person could include a registered director of a limited company (ie a director of the company who is registered as such at Companies House) or the company secretary.

<sup>10</sup> ‘Exclusivity agreement’ is defined in the NIRO Closure Order 2016 as ‘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 an onshore wind generating station on the land’.

3.14. We are aware that variations may be made to a planning permission or grid connection arrangements as a project progresses. Should such variations have happened after planning consent was granted in accordance with the requirements of the conditions in the NIRO Closure Order 2016, we will generally not take these into account for the purposes of our grace period assessment. However, if the relevant evidence was not in place in accordance with the conditions (eg if, on assessment, it is clear to us that the subject of the application does not relate to the station covered by the grace period evidence), a grace period will not be granted.

### The parties that evidence was originally issued to

3.15. The NIRO Closure Order 2016 does not specify that the planning permission must have been issued to, or the grid connection made to, the person applying for the grace period. Therefore, the party the planning permission was issued to will not form part of our grace period assessment.

### Grid connection evidence

3.16. We recognise that additional consents, easements and wayleaves will be required for grid connections. However, for this grace period, we don't need evidence of these.

## Meeting the 'grid or radar delay' condition

3.17. The grace periods have been designed in order to provide an additional 12-month period for a generating station to accredit, if it would have been commissioned by the 'primary date' (see below) but for grid and/or radar delays that were not due to a breach by the generator are experienced.

3.18. The 'grid or radar delay' condition applies to two distinct types of delays that may affect a generating station's ability to commission. Both types of delay are entitled to the same grace periods, but require distinct sets of evidence.

3.19. Grid delay evidence that must be provided is in Table 2, radar delay evidence required is explained in Table 3.

### Primary date

3.20. As the grid or radar delay condition is a requirement of multiple grace periods that start at different times, the term 'primary date' in Table 2 and Table 3 below is used to describe the relevant cut-off date by which a station would have commissioned, but for grid and/or radar delays outside the developer's control. The 'primary date' is the final date before the start of each grace period:

- 31 March 2016 for the grace period 1 April 2016 to 31 March 2017
- 31 March 2017 for the grace period 1 April 2017 to 31 March 2018
- 31 December 2017 for the grace period 1 January 2018 to 31 December 2018.

**Table 2: Grid delay evidence for the 'grid or radar delay' condition**

Type of evidence	Legislative requirement (as appears in NIRO Closure Order 2016)	What evidence could you provide?
<b>Grid works agreement</b>	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").	<p>A copy of the offer to carry out grid works from a network operator that clearly states the location of the grid works and the connection capacity. We would expect the offer to cover the non-contestable aspects of any grid works required at a minimum.</p> <p><b>AND one of the following:</b></p> <p>a. A letter from the network operator confirming that the operator of the station accepted the grid works offer on or before the primary date</p> <p><b>or</b></p> <p>b. a signed acceptance form, signed by the operator of the station, on or before the primary date.</p>
<b>Estimated date of completion for grid works</b>	A copy of a document written by, or on behalf of, the relevant network operator which confirms that at the date of receipt of the connection application from the generating station, it was the intention of the relevant network operator to complete the relevant grid works ("the planned grid works completion date") no later than the primary date.	A document, eg a letter or email, from the relevant network operator which confirms that they intend to complete the grid works no later than the relevant primary date. The location of the grid works and connection capacity should be clearly stated. If a document refers to a grid connection needing to be completed within a specific number of months it must be clear when this period of time starts.
<b>Confirmation of delay of grid works</b>	<p>A letter from the relevant network operator confirming (whether or not such confirmation is subject to any conditions or other terms) that—</p> <p>(i) the relevant grid works were completed after the planned grid works completion date, and</p>	A letter or email from the network operator to the operator of the station explicitly confirming points (i) and (ii).

Type of evidence	Legislative requirement (as appears in NIRO Closure Order 2016)	What evidence could you provide?
	(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 generating station developer of any agreement with the relevant network operator.	
<b>Operator declaration on delayed grid works</b>	A declaration by the operator of the station that, to the best of the operator's knowledge and belief, the station would have been commissioned, or the additional capacity would have formed part of the station, on or before the primary date if the relevant works had been completed on or before the planned grid works completion date.	A declaration signed by the operator (ie the super-user of the account on the register) of the generating station that follows Template 2 in Appendix 3.

**Table 3: Radar delay evidence for 'grid or radar delay' condition**

Type of evidence	Legislative requirement (as appears in NIRO Closure Order 2016)	What evidence could you provide?
<b>Radar works agreement</b>	Evidence of an agreement between a generating station developer and a person who is not a generating station developer ('the radar works agreement') for the carrying out of radar works <sup>11</sup> ('the relevant radar works').	<p>A copy of a document (or documents) that show an agreement between a generating station developer and a person who is not a generating station developer for radar works to be carried out.</p> <p>We would expect to clearly see that this agreement was for radar works required for the generating station the grace period application is for, and was entered</p>

<sup>11</sup> 'Radar works' is defined in the Renewables Obligation Closure Order (Northern Ireland) 2015 as "the construction of a radar station, the installation of radar equipment, the carrying out of modifications to a radar station or radar equipment, or the testing of a radar station or radar equipment"

Type of evidence	Legislative requirement (as appears in NIRO Closure Order 2016)	What evidence could you provide?
		<p>into before the primary date. For example, you could demonstrate this by providing:</p> <ul style="list-style-type: none"> <li>a. evidence of an offer to carry out the radar works that clearly states the location of the radar works and the type of radar works to be carried out,</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>b. a letter from a person who is not a generating station developer confirming that the operator of the station accepted the radar works offer on or before the primary date.</li> </ul>
<p><b>Estimated date of completion for radar works</b></p>	<p>A copy of a document written by, or on behalf of, a party to the radar works agreement (other than a generating station developer) which estimated or set a date for completion of the relevant radar works (“the planned radar works completion date”) which was no later than the primary date.</p>	<p>If planned radar works completion date is not evident from the radar works agreement (above), we will need to see a document, eg a letter or email, from a party to the radar works agreement (other than a generating station developer) which estimates or sets a “planned radar works completion date” (see across) which is no later the primary date.</p> <p>The document should clearly identify the location of the radar works and the type of radar works to be carried out. If a document refers to radar works needing to be completed within a specific number of months, it must be clear when this period of time starts.</p>
<p><b>Confirmation of delay of radar works</b></p>	<p>A letter from a party to the radar works agreement (other than a generating station developer) confirming whether or not such confirmation is subject to any conditions or other terms that—</p> <ul style="list-style-type: none"> <li>(i) the relevant radar works were completed after the planned radar works completion</li> </ul>	<p>A letter or email from a party to the radar works agreement (other than a generating station developer) to the operator of the station which explicitly confirms points (i) and (ii).</p>

Type of evidence	Legislative requirement (as appears in NIRO Closure Order 2016)	What evidence could you provide?
	<p>date, and</p> <p>(ii) in that party's opinion, the failure to complete the relevant radar works on or before the planned radar works completion date was not due to any breach of the radar works agreement by a generating station developer.</p>	
<p><b>Operator declaration on delayed radar works</b></p>	<p>A declaration by the operator that, to the best of the operator's knowledge and belief, the station would have been commissioned or the additional capacity would have formed part of the station, on or before the primary date if the relevant radar works had been completed on or before the planned radar works completion date.</p>	<p>A declaration signed by the operator (ie the super-user of the account on the register) of the generating station that follows template 3 in Appendix 3.</p>

### 'Generating station developer'

3.21. The NIRO Closure Order 2016 defines "generating station developer" in relation to an onshore wind generating station or additional capacity, as meaning—

- (a) the operator of the station, or
- (b) a person who arranged for the construction of the station or additional capacity.

### Grid and radar delay

3.22. It is possible that your project may experience both grid and radar delays. You can meet the grid or radar delay by only providing evidence that relates to one delay. However, the legislation sets out that you could provide with your application evidence to show that both had occurred (see tables above) and a declaration stating that the station was unable to commission by the primary date due to delays to both the planned radar works and planned grid works.

### Variations to the required evidence

3.23. Grid connection/radar works offers and agreements may vary as a project progresses. In these cases, we will generally not take these changes into account for our grace period assessment. But we won't grant a grace period if, when we are assessing the application for accreditation, it is clear to us that the grid offer/radar works evidence submitted does not relate to the station covered by the application.

- 3.24. For example, if an original planned grid or radar works completion date was given which was before 31 March 2016, but the network operator subsequently modified this to after 31 March 2016, we would not take this variation into account - our assessment would be based on the original offer and agreement. But we would not grant a grace period if it was clear to us that the original offer or agreement did not relate to the station that an accreditation application was made for.
- 3.25. We would expect any new connection offer to refer to the original "planned grid/radar works completion date" as being on or before the primary date.

### The parties that evidence was originally issued to

- 3.26. The NIRO Closure Order 2016 does not specify that the grid connection/radar works offer or agreement must have been made to the person applying for the grace period. Therefore, the party to which the grid connection/radar works offer was made will not form part of our grace period assessment.

### Grid connection and/or radar works evidence

- 3.27. We recognise that additional consents, easements and wayleaves may be required for grid connections and radar works. However, for this grace period, we will not ask for evidence of these.

## Meeting the 'investment freezing' condition

- 3.28. Table 4 sets out the documents that must accompany an application for a grace period which requires the 'investment freezing' condition to be met:

**Table 4: 'Investment freezing' condition evidence**

Type of evidence	Legislative requirement (as appears in NIRO Closure Order 2016)	What evidence could you provide?
<b>Declaration</b>	<p>A declaration by the operator of the station that to the best of the operator's knowledge and belief as at the date on which this Order is made –</p> <p>(i) the relevant developer required funding from a recognised lender before the station could be commissioned or additional capacity could form part of the station,</p> <p>(ii) the recognised lender was not prepared to provide that funding until this Order is made, because of uncertainty over whether the Order would be made and its wording if enacted, and</p> <p>(iii) the station would have been</p>	<p>A declaration signed by the operator of the generating station (ie the super-user of the account on the register) that follows the relevant template in Appendix 3.</p>

Type of evidence	Legislative requirement (as appears in NIRO Closure Order 2016)	What evidence could you provide?
	commissioned, or the additional capacity would have formed part of the station, on or before 31 March 2017 if the funding had been provided before this Order is made.	
<b>Investment freeze letter</b>	A letter or other document, dated on or before the date which is 28 days after the date on which this Order is made, from a recognised lender confirming (whether or not the confirmation is subject to any conditions or other terms) that the lender was not prepared to provide funding in respect of the station or additional capacity until enactment of this Order, because of uncertainty over whether this Order would be made and its wording if made.	A letter* from the recognised lender to the operator of the station, dated <b>on or before 13 April</b> (the date which is 28 days after the date the NIRO Closure Order 2016 was made), explicitly stating the confirmation required by the legislation (see left-hand column).  *The letter should be signed by the Directors (or equivalent) of the recognised lender and be on headed paper, or otherwise recognisable as being from that lender.

### 'Recognised lender'

3.29. 'Recognised lender' is defined in the NIRO Closure Order 2016 as a provider of debt finance which has been issued with an investment grade credit rating<sup>12</sup> by a registered credit rating agency.<sup>13</sup> Please note, parent companies and their subsidiaries are distinct legal entities – a subsidiary must have its own investment grade credit rating in order to meet this definition.

<sup>12</sup> Defined as 'a credit rating commonly understood by registered credit rating agencies to be investment grade' in the NIRO Closure Order 2016.

<sup>13</sup> Defined as 'a credit rating agency registered in accordance with Regulation (EC) No 1060/3009 of the European Parliament and the Council of 16 September 2009(a) on credit rating agencies', in the NIRO Closure Order 2016.



## 4. Submitting an application on or after 1 April 2016

### Chapter summary

Explains the process for operators of large onshore wind generating stations submitting an application for accreditation and a grace period from 1 April 2016 onwards.

- 4.1. Operators of large onshore wind generating stations that apply under the NIRO for accreditation from 1 April 2016 until 31 December 2018 must provide evidence that they are eligible for a grace period in order to receive accreditation. The complete application must be received by Ofgem on or before the close of the relevant grace period. Refer to Appendix 2 for the checklist of evidence that should be provided and that will constitute a complete application.
- 4.2. To be successful in applying for accreditation, the operator must:
  - **Submit a NIRO accreditation application** to us on or before the final date of the relevant grace period, or amend the existing application if adding additional capacity, and meet the NIRO eligibility criteria. (You can apply up to two months before the date the generating station is to be commissioned).
  - **Submit grace period evidence to us by email**, as part of your NIRO accreditation application, on or before the final date of the relevant grace period, and meet all the grace period eligibility conditions. We will request this if it has not been provided.
  - **Commission the generating station** (or the additional capacity) on or before the final date of the relevant grace period and provide commissioning evidence.
- 4.3. The next sections explain these steps in more detail.

### Applying for accreditation and a grace period

#### Applying for accreditation

- 4.4. In applying for accreditation you should be familiar with the NIRO eligibility criteria by referring to the NIRO and the 'RO: Guidance for generators', chapter 3 in particular.
- 4.5. Before applying for accreditation the operator must register an account for their organisation (or themselves as applicable). Register at: <https://renewablesandchp.ofgem.gov.uk/>
- 4.6. Our '[Renewables and CHP Register – System User Guide](#)' has a step-by-step guide to registering an account, applying for accreditation and managing the account once the generating station has been accredited.
- 4.7. Applicants with a large onshore wind generating station will need to submit evidence that they are eligible for a grace period at the time they submit their application for accreditation. Your application will not be processed until this evidence has been supplied (and we will not review the grace period eligibility evidence until we've received an application for accreditation). We will request the grace period eligibility evidence if it has not been received when we receive your application for accreditation.

- 4.8. You will need to send us your grace period evidence by email (see below). Depending on the circumstances, if your online declarations or other information in support of your application are provided after the relevant grace period closing date, this will mean the application cannot be processed and the station cannot be accredited.
- 4.9. The application is not considered submitted if it is not complete. Once your accreditation application has been submitted, you will receive an email confirming the date we received it. **But** applications are not fully submitted until the super-user of the account agrees the electronic declarations, so you need to **make sure the declarations are signed on or before the closing date of the relevant grace period.**
- 4.10. If email notifications are set up correctly, you will receive an automated email reminding you to submit your declarations.

### *Existing NIRO stations adding additional capacity under the NIRO*

- 4.11. Operators of onshore wind stations that are already accredited under the NIRO and are adding additional capacity under the NIRO where the TIC (including both original and additional capacity) would be more than 5MW must submit evidence that the additional capacity is eligible for a grace period. This evidence should be received by us on or before the closing date of the relevant grace period.
- 4.12. Operators must submit a revised schematic diagram to us showing the position of the additional generating equipment and any changes to metering. The [RO: Guidance for generators](#) has more information.

### Submitting grace period evidence

- 4.13. **Send grace period evidence to:** [renewable@ofgem.gov.uk](mailto:renewable@ofgem.gov.uk) stating in the subject line the station name and which grace period (or grace periods) are being applied for.
- 4.14. All the required evidence and declarations for the grace period you are applying for, as listed in the previous chapter, should be attached to the email and listed in the body of the email. In addition, the email should confirm the name of the generating station, the address of the station and the TIC. There is an example email template below. Also, there is a checklist for applying for accreditation and a grace period in Appendix 2.
- 4.15. **This evidence should be received by us on or before the closing date of the relevant grace period.** Your application will not be processed, until this evidence has been supplied. Once you have submitted your grace period evidence, you will receive a separate email also confirming the date it was received.

**Figure 5: Example email for submitting grace period evidence**

**From:** Operator of an onshore wind generating station  
**Sent:** 01 April 2016 09:44  
**To:** Renewable@ofgem.gov.uk  
**Subject:** Application for the NIRO large onshore wind 'approved development' grace period [station name]

Dear Ofgem Renewable Team,

I have [delete as appropriate]: submitted an application for accreditation for a large onshore wind generating station via the register / amended an existing accreditation via the register to add capacity to an existing onshore wind generating station.

Generating station name: [insert name]  
 Generating station address: [insert address]  
 Total Installed Capacity: [insert capacity] kW

I am applying for the NIRO 'approved development' grace period. The required evidence is attached:

1. The planning permission decision notice
2. The grid connection offer
3. The acceptance of the grid connection offer
4. My land rights declaration.

4.16. Our system will automatically reject emails larger than 20MB. If you are concerned about the size of your files, or you receive a notification that it has been rejected, please contact us. We have a file-sharing service which can be used to transfer large files.

4.17. Grace period evidence may also be submitted by post. It should be clearly labelled, include all the required information and sent to:

Renewable Electricity, ref: NIRO grace period, Ofgem, 9 Millbank, London, SW1P 3GE

4.18. We must receive the grace period evidence on or before the closing date of the relevant grace period in order to assess it.

### Commissioning evidence

4.19. Once a generating station has been commissioned, the operator needs to email us evidence of this to [renewable@ofgem.gov.uk](mailto:renewable@ofgem.gov.uk). For more detail, consult our [Essential Guide to Commissioning](#).

## Processing the application for accreditation and a grace period

- 4.20. Applications for accreditation and the grace period evidence must be received by us by the end of the closing date (ie midnight) of the relevant grace period. We won't accept applications received after this date from a large onshore wind station.
- 4.21. All supporting evidence will be reviewed at the same time. We will initially check the information provided and may ask for clarification or more information. The application will then undergo an eligibility assessment, with queries being raised as required. Throughout the first two stages of the checking process, we will contact applicants via the register, email and phone if we have queries.
- 4.22. **It is important you set up email notifications or check the system and your email inbox regularly** so you can respond to queries quickly. If you need to edit your application please make sure you click through to the end of the application to submit it. Note that a review screen will appear at the end of the application – you must scroll to the bottom of this and re-submit your application.
- 4.23. Once the checks above are complete, the application will go to a member of staff with authority to do a final check and, if appropriate, grant accreditation and the grace period. We will grant accreditation only if we are satisfied that all statutory requirements are met. This means the NIRO eligibility criteria, the grace period conditions and the station commissioning on or before the end date of the relevant grace period.
- 4.24. We anticipate receiving a lot of accreditation and grace period applications. If decisions are to be made promptly, it is essential that applicants familiarise themselves with the legislation and the guidance before applying. Applicants should ensure that all necessary information has been provided and that they respond to our queries promptly. These queries will be raised by email, and on the register. Incomplete or unclear applications and evidence will slow down the decision-making process.
- 4.25. To aid this process further, Appendix 1 has some tips on how to complete certain aspects of the application form. Appendix 2 has a checklist of the tasks that will need to be completed in applying for accreditation and the information to be submitted in applying for a grace period.

### Accreditation under the NIRO

- 4.26. To be issued with NIROCs, a generating station must be accredited under the NIRO as being capable of generating electricity from eligible renewable sources. The generating station must also meet all other NIRO eligibility criteria. When accreditation is granted, it will be effective from the later of the following dates:
- The date the application is submitted to us via the register
  - The date the generating station is commissioned
- 4.27. The NIRO<sup>14</sup> explains how we should grant and withdraw accreditation. They also detail when we may attach and amend conditions to any preliminary accreditation or

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<sup>14</sup> Article 50 of the NIRO

accreditation. For more information on the scheme's eligibility requirements see 'RO: Guidance for generators'.

## Audit

- 4.28. We regularly audit accredited generating stations to guard against fraud and error. If an operator applied for one of the five available grace periods, and the station is subsequently audited, the grace period evidence and declarations will be reviewed alongside the information provided in support of the accreditation application. Our auditors will pay particular attention to evidence provided in support of the commissioning date and other dates relevant to the grace period conditions.
- 4.29. We can withdraw accreditation and revoke or permanently withhold NIROCs in certain circumstances, including if we later find that information provided to us was incorrect. There is more information in chapter 3 of 'RO: Guidance for generators'.
- 4.30. Ofgem takes a zero-tolerance approach to fraud. We have a dedicated Counter Fraud team which investigates allegations of suspected fraud and will seek to refer any matters to the relevant authorities where appropriate.

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## Appendix 1: Application tips

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There are some questions in the application form which people often answer incorrectly. We have put together tips and specific examples to illustrate points to help you get your application right first time. Not all questions are covered in this guide. This is not a legal guide and is not a substitute for getting your own independent legal or technical advice. For more detailed information, we encourage you to read the [RO: Guidance for generators](#).

**QA100: Name for the generating station.** Use the same name here as in any correspondence. Think carefully about the name you choose as once the name has been entered it cannot be amended.

**QA201: Commissioning date.** Refer to our 'Essential Guide to Commissioning' for details of how to work out your commissioning date and what evidence we expect to see in support of this.

**QA301: Total Installed Capacity (TIC).** Refer to the definition of TIC in the 'RO: Guidance for generators'. To confirm the TIC you will need to provide details of the number and type of turbine you have.

**QA302: Declared Net Capacity (DNC).** Refer to the definition of DNC in the 'RO: Guidance for generators'. To confirm the DNC you will need to provide details of the inverters and/or any other internally-used electricity.

**QB201: Address.** The address of the station should be for the land on which the turbine(s) are situated.

**QB206 and QB300: Postcode and ordnance survey (OS) grid reference.** The OS grid reference should match the location of the postcode. Please use the link in the question text to convert your postcode into an OS grid reference and double check to make sure they are the same, correct, location.

**QC237: Capacity details.** The capacity details must match the values given QA201, QA301 and QA401.

**QC239: Method of generating electricity.** Answer 'onshore wind only'.

**QC600 and QC700: REGO.** If applying for REGO the selection is 'onshore wind (REGO code=NW)'. For further details on the REGO scheme please see our website.

**QE100: Plant description.** Tell us the number and type of wind turbine and any associated equipment used at your generating station. For example, 4 x Senivon MM82 2.05MW wind turbine generators; 33kV sub-station and associated control equipment.

**QF100, QF200, QF300, QF400: Claiming certificates.** Please make it very clear about how you measure your electricity, and how this relates to your chosen method for claiming certificates. The method of claiming certificates and responses on the metering must match the metering set up at the station. Definitions of input, export, gross output and net output electricity are provided in the 'RO: Guidance for generators'. As NIROCs can only be claimed on the net output electricity, if this is not measured directly the metering arrangements must show how this can be calculated.

**QF500-QF516: Export metering.** The details of the metering must be provided in full. They also must match the details provided on the single line diagram. The meters used must be approved meters. Explanations of approved meters are in the 'RO: Guidance for generators'.

**QG100 and QG200: Imported electricity and generated electricity used by the generation equipment.** For onshore wind applications we expect the answer to these to be Yes. This means that you will need to provide the monthly data for imported electricity or electricity generated and used by the system, as NIROCs can only be issued on your net output electricity.

**QG120- QG129: Import metering.** Provide the details of the metering in full. They also must match the details provided on the single line diagram. The meters used must be approved meters. Explanations of approved meters are provided in the 'RO: Guidance for generators'.

**QH500: Connection capacity.** The connection capacity should be for the amount agreed with the network operator. A correct connection capacity gives us another way to confirm the TIC and expected export.

**QI100: Single line diagram.** The single line diagram should be uploaded and include the points detailed in QI100:

- all generating equipment,
- all import and export connections,
- location of all metering and serial numbers,
- any standby generation, and
- the TIC breakdown of the generating station.

These details should also match the information given elsewhere in the application form.

**Once you have completed the application and submitted it on the Register. You should send your grace period evidence by email to [renewable@ofgem.gov.uk](mailto:renewable@ofgem.gov.uk).** See paragraphs 4.13 – 4.18 for further detail.

## Appendix 2: Application checklists

Table 5 is a checklist of the information that should be submitted for each type of generating station when applying for accreditation and a grace period.

**Table 5: Application checklist evidence to be submitted to Ofgem**

Evidence to be submitted	Grace Period(s)				
	1 April 2016-31 March 2017 Approved development condition only	1 April 2016 - 31 March 2017 Grid or radar delay condition only	1 April 2017-31 December 2017 Approved development and investment freezing conditions	1 April 2017 - 31 March 2018 Approved development and grid or radar delay condition	1 April 2018 - 31 December 2018 Approved Development and investment freezing and grid or radar delay
The completed accreditation application received by Ofgem on or before 31 March 2017	Y	Y	N	N	N
The completed accreditation application received by Ofgem on or before 31 December 2017	N	N	Y	N	N
The completed accreditation application received by Ofgem on or before 31 March 2018	N	N	N	Y	N



Evidence to be submitted	Grace Period(s)				
	1 April 2016-31 March 2017 Approved development condition only	1 April 2016 - 31 March 2017 Grid or radar delay condition only	1 April 2017-31 December 2017 Approved development and investment freezing conditions	1 April 2017 - 31 March 2018 Approved development and grid or radar delay condition	1 April 2018 - 31 December 2018 Approved Development and investment freezing and grid or radar delay
The completed accreditation application received by Ofgem on or before 31 December 2018	N	N	N	N	Y
Final planning permission document (or declaration)	Y	N	Y	Y	Y
Grid connection offer and acceptance (or declaration)	Y	Y	Y	Y	Y
Land rights declaration	Y	N	Y	Y	Y
Investment freeze letter	N	N	Y	N	Y
Investment freeze declaration	N	N	Y	N	Y
Date for completion of grid works	N	Y	N	Y	Y

Evidence to be submitted	Grace Period(s)				
	1 April 2016-31 March 2017 Approved development condition only	1 April 2016 - 31 March 2017 Grid or radar delay condition only	1 April 2017-31 December 2017 Approved development and investment freezing conditions	1 April 2017 - 31 March 2018 Approved development and grid or radar delay condition	1 April 2018 - 31 December 2018 Approved Development and investment freezing and grid or radar delay
Confirmation of grid works delay	N	Y	N	Y	Y
Operator declaration in relation to grid or radar delay	N	Y	N	Y	Y

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## Appendix 3: Declaration templates

### Template 1: Renewables Obligation: 'Approved development' condition

A declaration confirming land use rights, as set out under Article 10 of the NIRO Closure Order 2016, must be submitted for a station to be assessed as meeting the approved development condition. Set out below is an example declaration form that can be printed, signed by the operator of the generating station and sent to Ofgem.

#### Declaration of land rights (example)

Generating Station name:  
.....

I confirm that,

- as at the relevant eligibility date\* a relevant developer of the station or additional capacity (or a person connected, within the meaning of section 1122 of the Corporation Tax Act 2010(a):
  - a) was an owner or lessee of the land on which the station or additional capacity is situated,
  - b) had entered into an agreement to purchase or lease the land on which the station or additional capacity is situated,
  - c) had an option to purchase or to lease the land on which the station or additional capacity is situated, or
  - d) was a party to an exclusivity agreement in relation to the land on which the station or additional capacity is situated, and  
[delete as appropriate]
- I am the operator for the generating station stated in this declaration.

Signed .....

Full name .....

Position/Job title .....

Date .....

This declaration is to be submitted once you have submitted your application for accreditation with the documents set out in Article 10 of the Renewables Obligation Closure Order (Northern Ireland) 2016. Before making this declaration you should read the relevant legislation and take your own independent legal advice to ensure that the proposed generating station subject to this declaration qualifies.

\* 'the relevant eligibility date' is 30 September 2015 if the generating station is not connecting to a cluster, or 30 October 2015 if the generating station is connecting to a cluster.

**Template 2: Renewables Obligation: 'Grid or radar delay' condition**

This is a declaration confirming that the generating station would have been commissioned before the relevant 'primary date' (31 March 2016/31 March 2017/31 December 2017), had the grid connection delay not occurred, as set out under Article 12 of the NIRO Closure Order 2016. It must be submitted with the relevant supporting documentation, for a station to be assessed as meeting the grid or radar delay condition. Below is an example declaration form that can be printed, signed by the applicant and sent to Ofgem.

Declaration of grid or radar delay (example)

Generating station name:  
 .....

I confirm that,

- to the best of my knowledge and belief, the station named above would have been commissioned/the additional capacity at the station named above would have formed part of the station [*delete as appropriate*] on or before 31 March 2016/31 March 2017/31 December 2017 [*delete as appropriate*] if the relevant grid/radar [*delete as appropriate*] works had been completed on or before the planned grid works completion date, and
- I am the operator of the generating station stated in this declaration.

Signed .....

Full name .....

Position/Job title .....

Date .....

This declaration is to be submitted once you have submitted your application for accreditation with the documents set out in Article 12 of the Renewables Obligation Closure Order (Northern Ireland) 2016. Before making this declaration you should read the relevant legislation and take your own independent legal advice to ensure that the proposed generating station which is subject to this declaration qualifies.

**Template 3: Renewables Obligation: 'Investment freezing' condition**

This is a declaration confirming that the generating station was ready to commission, and would have been commissioned before the 31 March 2017, had the necessary funding not been suspended due to legislative uncertainty, as set out under Article 11 of the NIRO Closure Order 2016. It must be submitted with the relevant supporting documentation, for a station to be assessed as meeting the investment freezing condition. Set out below is an example declaration form that can be printed, signed by the applicant and sent to Ofgem.

Declaration of frozen investment (example)

Generating station name:  
 .....

I confirm that, to the best of my knowledge and belief, that as at the date the Renewables Obligation Closure Order (Northern Ireland) 2016 was made:

- the station named above required funding from a recognised lender before it could be commissioned/additional capacity could form part of the station [*delete as appropriate*],
- the recognised lender was not prepared to provide that funding until the Renewables Obligation Closure Order (Northern Ireland) 2016 was made, because of uncertainty over whether the Order would be made and its wording if enacted, and
- the station would have been commissioned/the additional capacity would have formed part of the station [*delete as appropriate*] on or before 31 March 2017 if the funding had been provided before the Renewables Obligation Closure Order (Northern Ireland) 2016 was made.

Signed .....

Full name .....

Position/Job title .....

Date .....

This declaration is to be submitted once you have submitted your application for accreditation with the documents set out in Article 11 of the Renewables Obligation Closure Order (Northern Ireland) 2016. Before making this declaration you should read the relevant legislation and take your own independent legal advice to ensure that the proposed generating station which is subject to this declaration qualifies.

## Annex 2 – Consultation process

We are keen to consider any comments or complaints about how this consultation has been conducted and to gain your views on the following:

**Question 1:** Do you have any comments about the process adopted for this consultation?

**Question 2:** Please add any further comments.

Please send your comments to:

[andrew.macfaul@ofgem.gov.uk](mailto:andrew.macfaul@ofgem.gov.uk)

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