
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 24

**The Storage of Carbon Dioxide (Licensing
etc.) (Scotland) Regulations 2011**

Storage permits

Applications for a storage permit

6.—(1) The licence holder may, under the conditions laid down by the licence, apply to the authority for a storage permit in respect of a place within the licensed area.

(2) Where the licence includes an appraisal term, the application may not be made unless any necessary exploration has been completed, and the terms and conditions of the licence have been complied with.

(3) An application must contain—

- (a) the name and address of the proposed operator;
- (b) evidence of the matters referred to in regulation 7(1);
- (c) in relation to the CO₂ that is to be contained within the storage site—
 - (i) the total quantity that is to be injected and stored;
 - (ii) a proposed date on which injection is to commence;
 - (iii) the prospective sources and transport methods;
 - (iv) the composition of the CO₂ streams that are to be injected;
 - (v) the proposed injection rates and pressures; and
 - (vi) the proposed location of the injection facilities;
- (d) a description of measures to be taken to prevent any significant irregularities;
- (e) a proposed monitoring plan drawn up in accordance with Annex II to the Directive and that takes into account the obligations imposed on the operator under legislation implementing Article 14 of the ETS Directive;
- (f) a proposed corrective measures plan;
- (g) the proposed provisional post-closure plan drawn up in accordance with regulation 12(1);
- (h) the information required to be provided in relation to the storage site under legislation implementing Article 5 of Council Directive [85/337/EEC](#)(1); and
- (i) details of a financial security that will satisfy the requirements in paragraph 7(1) of Schedule 2, including proof that (if the storage permit is granted) such a security will be in force before the proposed date on which injection is to commence.

(4) The authority must forward to the European Commission—

- (a) the permit application (within one month of receipt); and

(1) Council Directive [85/337/EEC](#) of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (O.J. No. L 175, 5.7.1985, p.40); amended by Council Directive [97/11/EC](#) (O.J. No. L 73, 14.03.1997, p.5) and by European Parliament and Council Directives [2003/35/EC](#) (O.J. No. L 156, 25.6.2003, p.17) and [2009/31/EC](#).

- (b) any other related material that the authority proposes to take into account when it seeks to make a decision on the award of a storage permit.

Grant of storage permits

7.—(1) Before granting a storage permit the authority must be satisfied that—

- (a) the storage complex and surrounding area have been sufficiently characterised and assessed in accordance with the criteria set out in Annex I to the Directive;
- (b) no part of the storage complex extends beyond the territories of the member States;
- (c) under the proposed conditions of use of the storage site, there is no significant risk of leakage or of harm to the environment or human health; and
- (d) the conditions in paragraph (3) are met.

(2) For the purposes of paragraph (1)(b), the territory of a member State includes its exclusive economic zone and continental shelf within the meaning of Articles 55 and 76 of the United Nations Convention on the Law of the Sea⁽²⁾.

(3) The conditions are that the proposed operator—

- (a) is technically competent (including in the operation of environmental management systems), financially sound and can be relied upon to carry out the functions of an operator; and
- (b) has in place an appropriate programme of professional and technical development and training.

(4) Where more than one storage site is contained within the same hydraulic unit, before granting a storage permit for either site the authority must be satisfied that the requirements for the grant of a permit can be met simultaneously.

(5) In considering the application for the storage permit the authority may—

- (a) approve the proposed monitoring plan; or
- (b) require the applicant to make such modifications to it as the authority (after consulting the applicant) considers necessary,

and (if the permit is granted) the monitoring plan is the plan as so approved or modified.

(6) In considering the application for the storage permit the authority may—

- (a) approve the proposed corrective measures plan; or
- (b) require the applicant to make such modifications to it as the authority (after consulting the applicant) considers necessary,

and (if the permit is granted) the corrective measures plan is the plan as so approved or modified.

(7) If the authority is minded to grant a storage permit—

- (a) the authority must forward a draft of the proposed permit to the European Commission, together with any material taken into consideration that has not already been provided under regulation 6(4); and
- (b) the authority must before granting the permit consider any opinion on the draft that is issued under Article 10(1) of the Directive.

Content of storage permits

8.—(1) A storage permit must include—

(2) Cmnd. 8941.

- (a) the name and address of a person who is a licence holder and who is designated as the operator of the site;
- (b) the precise location and delimitation of the storage site and the storage complex, and any relevant information concerning the hydraulic unit;
- (c) the operational requirements for storage, including—
 - (i) the total quantity of CO₂ authorised to be stored;
 - (ii) the reservoir pressure limits; and
 - (iii) the maximum injection rates and pressures;
- (d) the provisions in Schedule 2;
- (e) any requirements in addition to those in Schedule 2 relating to injection and storage that the authority considers necessary, in particular to prevent significant irregularities;
- (f) requirements designed to prevent any undue interference with other uses of the area surrounding the storage site;
- (g) the corrective measures plan;
- (h) the conditions for closure of the storage site; and
- (i) the provisional post-closure plan.