

## **Notice under Article 14(3) of the Gas (Northern Ireland) Order 1996 (as amended)**

The Northern Ireland Authority for Utility Regulation (“**the Authority**”) pursuant to Article 14(3) of the Gas (Northern Ireland) Order 1996 as amended (“**the Order**”), hereby gives notice as follows:

### **The Proposed Modifications**

- 1) The Authority proposes to modify the gas conveyance licence (“**the Licence**”), granted under Article 8(1) of the Order to firmus energy (Distribution) Limited as follows:
  - a. Modification of the definition of ‘Licensed Area’ contained in Condition 1.1.6 of the licence in the manner set out in Annex 1 to this notice;
  - b. Modifications to the definitions of ‘Additional Development Plan’ and ‘Electoral Ward’ contained in Condition 3.1.1 of the licence in the manner set out in Annex 2 to this notice;
  - c. Modification of paragraph 11 of Condition 3.2 of the licence in the manner set out in Annex 3 to this notice; and
  - d. Modifications to Schedule 1 (Licensed Area) of the licence in the manner set out in Annex 4 to this notice.
- 2) In the case of each Annex, any words, figures or punctuation:
  - a. shown as being underlined and in red are proposed to be added to the licence by way of modification; and
  - b. shown as being struck-through are proposed to be deleted from the licence by way of modification.

## **Reason for the Modifications**

- 3) firmus energy (Distribution) Ltd (“**the Licensee**”) has submitted an application to the Authority for an extension to the Licensed Area (as defined in the Licence) in order to extend the existing gas network to connect Ulster Farm By-Products, Glenconway Factory, 29 Ballyvannoon Road, Glenavy, Crumlin, BT29 4QL (“**the Proposed Site**”), in the electoral ward of Glenavy. The Licensee has also submitted an Additional Development Plan in respect of Ulster Farm By-Products to the Authority for approval.
- 4) The Licence is currently structured in a manner which defines the Licensed Area as all areas within the boundaries of electoral wards as set out in Schedule 1 of the Licence. The licence also dictates that an Additional Development Plan is a plan in respect of an Additional Development Area, defining the Additional Development Area by reference to the boundaries of an Electoral Ward.
- 5) Therefore, currently under the licence arrangements, in order to convey gas to the Proposed Site, the Licensee would require an extension to the Licensed Area to include the entire Electoral Ward of Glenavy. Approval of an Additional Development Plan in respect of the entire Electoral Ward would also be required so that the Electoral Ward would become an Additional Development Area.
- 6) The Authority does not consider it would be appropriate to extend the Licensed Area to include the entire Electoral Ward of Glenavy and in any event the Licensee’s application for licence extension does not request the entire Electoral Ward.
- 7) We are therefore proposing the modifications set out in this Notice to amend the Licence to allow the Licensed Area to be extended by reference to specific premises within an Electoral Ward, as well as by Electoral Ward.

## **Effect of Modifications**

- 8) The effect of the proposed modifications is that the licence would permit the extension of the Licensed Area by reference to individual premises, as well as by reference to Electoral Wards.
- 9) Where the Licensed Area is extended to include individual premises or entire Electoral Wards, the individual premises or Electoral Ward will be defined under the licence as a part of the Remaining Licensed Area, and will therefore be subject to the approval of an

Additional Development Plan before the licensee can convey gas to the individual premises or Electoral Ward.

- 10) Subject to the modifications proposed in this Notice being made in the licence, the Licensed Area in the Licence could be extended to include the Proposed Site only, rather than the entire Electoral Ward of Glenavy.
- 11) The Authority will separately publish a Notice under Article 8(4) of the Order proposing an extension to the Licence to convey gas to the Proposed Site.

### **Consultation**

- 12) The Authority has, in accordance with Articles 14(4)(b) of the Order served a copy of this notice on the Licensee and on the Department of Enterprise, Trade and Investment.
- 13) Representations or objections to the proposed modifications set out in this Notice may be made before 5pm on 30 April 2013 to Paul Harland either by way of post at The Utility Regulator, Queens House, 14 Queen Street, Belfast BT1 6ED or e-mail at [paul.harland@uregni.gov.uk](mailto:paul.harland@uregni.gov.uk).

**Dated this day 29 March 2013**



**Brian McHugh**

**For and on behalf of the Authority**

**Annex 1: The Proposed Modification to the Definition of “Licensed Area”  
Contained Within Condition 1.1.6**

“Licensed Area” means the area in which the Licensee is authorised to convey gas pursuant to Schedule 1 of this Licence;

**Annex 2: Proposed Modification to the Definition of “Additional Development Plan” and “Electoral Ward” Contained Within Condition 3.1.1**

“Additional Development Plan” means a development plan in respect of an Additional Development Area prepared by the Licensee and approved by the Authority, defining the Additional Development Area to which the Additional Development Plan relates, (by reference to the boundaries of the Electoral Wards comprised in such area, ~~or in any event or~~ in such detail so as to allow any person consulting such Additional Development Plan to determine whether any particular premises ~~fall~~ falls within that Additional Development Area), and setting out Annual Targets to apply to such Additional Development Area;

“Electoral Ward” means the spatial unit used to elect local government councillors into district council areas, as at the date of the Grant (in the case of each of the Towns), or as at the date on which the relevant Additional Development Plan was approved by the Authority (in the case of any Additional Development Area which is designated as such by reference to an Electoral Ward). Any dispute as to the boundaries of such spatial unit shall be determined by the Authority by reference to the map of such spatial unit held at the Northern Ireland Statistics and Research Agency;

### **Annex 3: Proposed Modification to Paragraph 11 of Condition 3.2**

#### 3.2.11 Conveyance in the Remaining Licensed Area

~~Notwithstanding the extent of the area designated in Schedule 1, the~~ The Licensee shall not convey gas by means of distribution pipe-lines to any premises in the Remaining Licensed Area unless and until those premises fall within an Additional Development Area as designated under Schedule 1 of this Licence.

## Annex 4: Proposed Modifications to “Schedule 1 Licensed Area

### SCHEDULE 1 LICENSED AREA

#### 1.1 The Licensed Area comprises:

- (a) ~~The area designated by this Schedule shall comprise~~ all areas within the boundaries of the following Electoral Wards (being the spatial unit used to elect local government councillors into district council areas, as at the date of the grant of this Licence. Any dispute as to the boundaries of such spatial unit shall be determined by the Authority by reference to the map of such spatial unit held at the Northern Ireland Statistics and Research Agency):

<b>Part 1</b>	<b>Part 3</b>
95DD01 Academy 95DD03 Ardeevin 95DD04 Ballee 95DD05 Ballykeel 95DD06 Ballyloughan 95DD08 Castle Demesne 95DD11 Dunclug 95DD13 Fair Green 95DD14 Galgorm 95DD16 Glenwhirry 95DD18 Harryville 95DD20 Moat 95DD21 Park 95DD24 Summerfield	95DD10 Cullybackey 95DD12 Dunminning 95DD15 Glenravel 95DD17 Grange 95DD19 Kells 95DD22 Portglenone 95DD23 Slemish
95DD02 Ahoghill	
95DD07 Broughshane	
95DD09 Craigyarren	
95EE03 Carnany 95EE07 Fairhill 95EE08 Glebe 95EE12 Newhill 95EE13 Route 95EE14 Seacon	95EE01 Ballyhoe and Corkey 95EE02 Benvardin 95EE04 Clogh Mills 95EE05 Dervock 95EE06 Dunloy 95EE09 Killoquin Lower 95EE10 Killoquin Upper 95EE11 Knockaholet 95EE15 Stranocum 95EE16 The Vow

<p>95JJ03 Ballysally  95JJ05 Central  95JJ06 Churchland  95JJ07 Cross Glebe  95JJ08 Dundooan  95JJ13 Knocklynn  95JJ15 Mount Sandel  95JJ20 The Cuts  95JJ21 University  95JJ22 Waterside  95JJ14 Macosquin</p>	<p>95JJ01 Agivey  95JJ02 Atlantic  95JJ04 Castlerock  95JJ09 Dunluce  95JJ10 Garvagh  95JJ11 Hopefield  95JJ12 Kilrea</p> <p>95JJ16 Portstewart  95JJ17 Ringsend  95JJ18 Royal Portrush  95JJ19 Strand</p> <p>95UU04 Bushmills  95UU02 Ballylough</p>
<p>95MM01 Altnagelvin  95MM02 Ballynashallog  95MM04 Beechwood  95MM05 Brandywell  95MM06 Carn Hill  95MM18 Holly Mount  95MM21 New Buildings</p>	<p>95MM03 Banagher  95MM09 Claudy</p>
<p><b>Part 1 (continued)</b></p>	<p><b>Part 3 (continued)</b></p>
<p>95MM07 Caw  95MM08 Clondermot  95MM10 Creggan Central  95MM11 Creggan South  95MM12 Crevagh  95MM13 Culmore  95MM14 Ebrington  95MM15 Eglinton  95MM16 Enagh  95MM17 Foyle Springs  95MM19 Kilfennan  95MM20 Lisnagelvin  95MM22 Pennyburn  95MM23 Rosemount  95MM24 Shantallow East  95MM25 Shantallow West  95MM26 Springtown  95MM27 Strand  95MM28 The Diamond  95MM29 Victoria  95MM30 Westland</p>	
<p>95RR01 Aghanloo  95RR03 Coolessan  95RR05 Enagh  95RR10 Greystone</p>	<p>95RR02 Ballykelly  95RR04 Dungiven  95RR06 Feeny  95RR07 Forest</p>



95RR12 Rathbrady 95RR13 Roeside	95RR08 Glack 95RR09 Gresteel 95RR11 Magilligan 95RR14 The Highlands 95RR15 Upper Glenshane
<b>Part 2</b>	<b>Part 4</b>
95AA01 Aldergrove 95AA02 Balloo 95AA08 Farranshane 95AA09 Fountain Hill 95AA10 Greystone 95AA11 Massereene 95AA15 Springfarm 95AA16 Steeple 95AA17 Stiles 95AA18 Templepatrick 95AA03 Ballycraigy	95AA04 Clady 95AA05 Cranfield 95AA06 Crumlin 95AA07 Drumanaway 95AA12 Parkgate 95AA13 Randalstown 95AA14 Shilvodan 95AA19 Toome 95WW02 Ballyclare North 95WW03 Ballyclare South 95WW07 Ballyrobert 95WW13 Doagh
95CC01 Abbey Park 95CC03 Callan Bridge 95CC06 Demesne 95CC08 Downs 95CC18 Observatory 95CC22 The Mall 95CC21 Tandragee	95CC04 Carrigatuke 95CC05 Charlemont 95CC07 Derrynoose 95CC02 Ballymartrim 95CC09 Hamiltonsbawn 95CC10 Hockley
<b>Part 2 (continued)</b>	<b>Part 4 (continued)</b>
	95CC11 Keady 95CC12 Killeen 95CC13 Killylea 95CC14 Laurelvale 95CC15 Loughgall 95CC16 Markethill 95CC17 Milford 95CC19 Poyntz Pass 95CC20 Rich Hill
95FF01 Ballydown 95FF03 Banbridge West 95FF07 Edenderry 95FF08 Fort 95FF09 Gilford 95FF12 Lawrencetown 95FF16 Seapatrick 95FF17 The Cut	95FF02 Ballyward 95FF04 Bannside 95FF05 Dromore North 95FF06 Dromore South 95FF10 Gransha 95FF11 Katesbridge 95FF13 Loughbrickland 95FF14 Quilly 95FF15 Rathfriland

<p>95LL02 Annagh  95LL03 Ballybay  95LL04 Ballyoran  95LL06 Brownstown  95LL07 Church  95LL08 Corcrain  95LL09 Court  95LL10 Derrytrasna  95LL12 Drumgask  95LL13 Drumgor  95LL14 Drumnamoe  95LL15 Edenderry  95LL16 Kernan  95LL17 Killycomain  95LL18 Knocknashane  95LL19 Magheralin  95LL20 Mourneview  95LL21 Parklake  95LL22 Taghnevan  95LL23 Tavanagh  95LL25 Waringstown  95LL26 Woodville</p> <p>95SS21 Maghaberry  95SS24 Moira  95SS03 Ballymacbrennan  95SS08 Dromara</p> <p>95SS15 Hillsborough  95SS23 Maze</p>	<p>95LL01 Aghagallon</p> <p>95LL11 Donaghcloney  95LL24 The Birches</p>
<p>95LL05 Bleary</p> <p>95VV02 Ballybot  95VV10 Daisy Hill  95VV12 Derrymore  95VV14 Drumalane  95VV15 Drumgullion  95VV27 St Mary's  95VV28 St Patrick's</p>	
<p><b>Part 2 (continued)</b></p>	<p><b>Part 4 (continued)</b></p>
<p>95VV30 Windsor Hill</p>	<p>95VV01 Annalong  95VV03 Bessbrook  95VV04 Binnian  95VV05 Burren and Kilbroney  95VV06 Camlough  95VV07 Clonallan  95VV08 Creggan  95VV09 Crossmaglen  95VV11 Derryleckagh  95VV13 Donaghmore  95VV16 Fathom</p>

95VV17 Forkhill 95VV18 Kilkeel Central 95VV19 Kilkeel South 95VV20 Lisnacree 95VV21 Mayobridge 95VV22 Newtownhamilton 95VV23 Rostrevor 95VV24 Seaview 95VV25 Silver Bridge 95VV26 Spelga 95VV29 Tullyhappy
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- (b) the following premises which forms part of the Remaining Licence Area and which are the subject of an Additional Development Plan: