

# Renewable Heat Incentive Guidance

## Volume Two: Ongoing obligations, payments

### Consultation

**Reference:** 85/11  
**Publication date:** 24 June 2011  
**Response deadline:** 5 August 2011

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#### Overview:

This is a draft Guidance document for the Renewable Heat Incentive (RHI), a new Government financial incentive scheme worth £860m to promote the uptake of renewable heat. This is a consultation and we welcome comments from stakeholders on the contents of this document.

Ofgem will administer the RHI on behalf of Government, in accordance with the RHI Regulations 2011 once they come into force. The overarching policy and detailed legislative framework for the RHI are the responsibility of Government. Ofgem's E-Serve division already has extensive experience in delivering similar environmental schemes, such as the Renewables Obligation and Feed-in Tariffs.

Volume One of the Guidance describes the eligibility requirements of the RHI and how prospective participants can become accredited or registered as applicable.

Volume Two describes the ongoing requirements for RHI participants, information on how periodic support payments are calculated and paid, and our compliance and enforcement powers.

The Guidance is aimed at prospective RHI participants in the non-domestic sector and sets out how Ofgem intends to administer the scheme. It is not intended to be a definitive legal guide to the RHI.

## Context

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This document describes how the Gas and Electricity Markets Authority (Ofgem) will administer the Renewable Heat Incentive (RHI), a world first Government environmental programme designed to increase the uptake of renewable heat technologies and reduce the UK's carbon emissions. It is a key measure for the UK to meet its renewable energy target of 15 per cent by 2020 as required by the European Union. As with other environmental programmes we deliver for the Government, including the Renewables Obligation and the Feed-in Tariff scheme, it is our aim to administer the RHI as effectively and efficiently as possible.

To achieve an uptake of renewable heat technologies, the Government intends to introduce the RHI in two phases. From 30 September 2011, it is expected that the RHI will be available to parties in non-domestic sectors with eligible installations, and to producers of biomethane. The Government has stated that it expects to open the domestic sector element of the scheme to align with the Green Deal, which is intended to be introduced in October 2012, though this will require further Regulations. The RHI policy and tariff rates are set by the Government, but the RHI will be administered by Ofgem.

The Secretary of State for Energy and Climate Change is using enabling powers contained in the Energy Act 2008 to introduce the Renewable Heat Incentive (RHI) to Great Britain. Subject to the Renewable Heat Incentive Regulations 2011 (the Regulations) and the proposed amendment to the Energy Act 2008 completing their passage through Parliament, we expect the RHI to be open for applications from 30 September 2011 subject to Parliamentary and State Aid approval.

Administration of the RHI is a key part of Ofgem's forward work plan and is reflected in [Ofgem's Corporate Strategy 2011-2016](#)<sup>1</sup> under 'Theme 4 - Ensuring the timely and efficient delivery of Government programmes for a sustainable energy sector'.

## Associated documents

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Readers should be aware of the following documents which support this publication.

- [Energy Act 2008](#)<sup>2</sup>
- [DECC Renewable Heat Incentive Policy Document](#)<sup>3</sup>
- [Renewable Heat Incentive: Impact Assessment](#)<sup>4</sup>

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<sup>1</sup><http://www.ofgem.gov.uk/About%20us/CorpPlan/Documents1/Corporate%20Strategy%20and%20Plan%202011%20-%202016.pdf>

<sup>2</sup> [http://www.decc.gov.uk/en/content/cms/legislation/energy\\_act\\_08/energy\\_act\\_08.aspx](http://www.decc.gov.uk/en/content/cms/legislation/energy_act_08/energy_act_08.aspx)

<sup>3</sup><http://www.decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/renewable%20energy/policy/renewableheat/1387-renewable-heat-incentive.pdf>

<sup>4</sup><http://www.decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/renewable%20energy/policy/renewableheat/1387-renewable-heat-incentive.pdf>

- [Renewable Heat Incentive Regulations 2011](#)<sup>5</sup>
- Draft Independent Report on Metering Arrangements (supplementary appendix to this publication)

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<sup>5</sup> <http://www.legislation.gov.uk/>

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## Executive Summary

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The RHI is a world first Government environmental programme designed to increase the uptake of renewable heat technologies and reduce the UK's carbon emissions. Broadly speaking, the scheme provides a subsidy per kWth of eligible renewable heat generated from accredited installations. The Government expects to provide £860m of subsidy between 2011/12 and 2014/15 under this scheme.

The Government has appointed Ofgem to administer the RHI. Ofgem's E-Serve division has extensive experience in delivering similar environmental schemes, such as the Renewables Obligation and the Feed-in Tariff scheme. The Government is responsible for developing the underpinning RHI policy including setting tariffs, establishing the legislative framework, and the introduction of further scheme elements in 2012.

### **Scheme Eligibility**

Initially the scheme will support non-domestic renewable heat installations and the production of biomethane for injection in the national gas grid.

The Government has stated that it proposes that the RHI will be available to the domestic sector alongside the Green Deal which is intended to be introduced from 2012. In the interim, the domestic sector may be eligible for the Renewable Heat Premium Payment, which is a separate, complementary grant scheme to the RHI. Further information on the Renewable Heat Premium Payment will be available later in the year from DECC.<sup>6</sup>

The following renewable heat technologies will be supported initially:

- Solid biomass and solid biomass contained in municipal waste (including CHP),
- ground and water source heat pumps,
- geothermal (including CHP),
- solar thermal (at capacities of less than 200 kWth),
- biogas combustion (except from landfill gas but including CHP; at capacities of less than 200 kWth), and
- biomethane injection.

Participants will also need to meet several other eligibility requirements which are explained in this Guidance. These include demonstrating that the heat is used for an eligible purpose, that metering arrangements are appropriate, and that certain grants have not been received.

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<sup>6</sup> <http://www.decc.gov.uk>

Participants will be able to apply via the Ofgem RHI website from the start of the scheme, expected to be 30 September 2011 subject to Parliamentary and State Aid approval.

### **Ongoing obligations**

Once part of the scheme, participants will need to comply with a number of ongoing obligations which are explained in this Guidance such as regular submission of heat data, meter readings and fuel data for certain bioenergy installations. Participants will also be expected to maintain their heating equipment and meters, and report any significant changes to their installation or heat uses to Ofgem. Participants will be required to make annual declarations to Ofgem confirming their compliance, and may be selected for audits and/or a site inspection. Failure to comply with ongoing obligations may lead to Ofgem taking compliance action against a Participant.

### **Guidance Document Structure and consultation**

The Guidance sets out our procedures for the administration of the RHI under the Regulations. Volume One provides details on eligibility requirements and how to apply for the RHI. Volume Two provides details of the ongoing obligations on participants, how periodic support payments are calculated, and our compliance and enforcement powers. We are also consulting on the format of the Independent Metering Report for large and/or complex installations, which is being published in draft as a supplementary appendix.

The Guidance is not a definitive legal guide to the RHI, although its publication is made in accordance with the Regulations and prospective participants are expected to comply with its provisions.

This is a draft of the Guidance and is published for consultation. We ask a number of questions on our proposed administration of the scheme. We require responses to the consultation to be submitted to Ofgem by **5 August 2011**.



# 1. Introduction

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## Policy Context

- 1.1. The European Union's (EU's) 2009 Renewable Energy Directive<sup>7</sup> obliges the UK to meet 15 per cent of its heat, transport and electricity consumption from renewables by 2020. Renewable energy will help the UK and the EU to meet targets to reduce carbon emissions and improve energy security by making better use of indigenous and non-finite resources. The UK Government also sees great potential in the development of jobs in the green economy.
- 1.2. Though the EU did not issue sector-specific targets except for renewable transport, the UK will need to develop each sector substantially to meet the target. In 2009 the Government published a [central delivery scenario](#)<sup>8</sup> which indicated that around 30 per cent of electricity, 12 per cent of heat and 10 per cent of transport fuel consumption would be met by renewable energy. For each of the sectors, the Government is putting in place financial incentives, or obligations on suppliers to encourage renewable energy.

## RHI overview

- 1.3. The RHI is a new Government environmental programme designed to increase the uptake of renewable heat technologies and reduce the UK's carbon emissions. Broadly speaking, the scheme provides a subsidy per kWh of eligible renewable heat generated from accredited installations. The objective of the RHI is to significantly increase the proportion of the UK's heat that is generated from renewable sources, beginning to replace a heat sector that is currently dominated by fossil fuel technologies. It aims to encourage the uptake of renewable heat technologies by compensating for barriers to their adoption, including the current higher upfront costs and operational expenditure for these technologies as compared to those using traditional fossil fuels.
- 1.4. The Government intends to introduce the RHI in two phases:
  - In the first phase, addressed in this Guidance document, the RHI will be available to parties with eligible installations in **non-domestic sectors**, and to producers of biomethane. Subject to the passage of the Regulations through Parliament, the first phase is expected to begin on **30 September 2011** subject to Parliamentary and State Aid approval.

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<sup>7</sup> 2009/28/EC

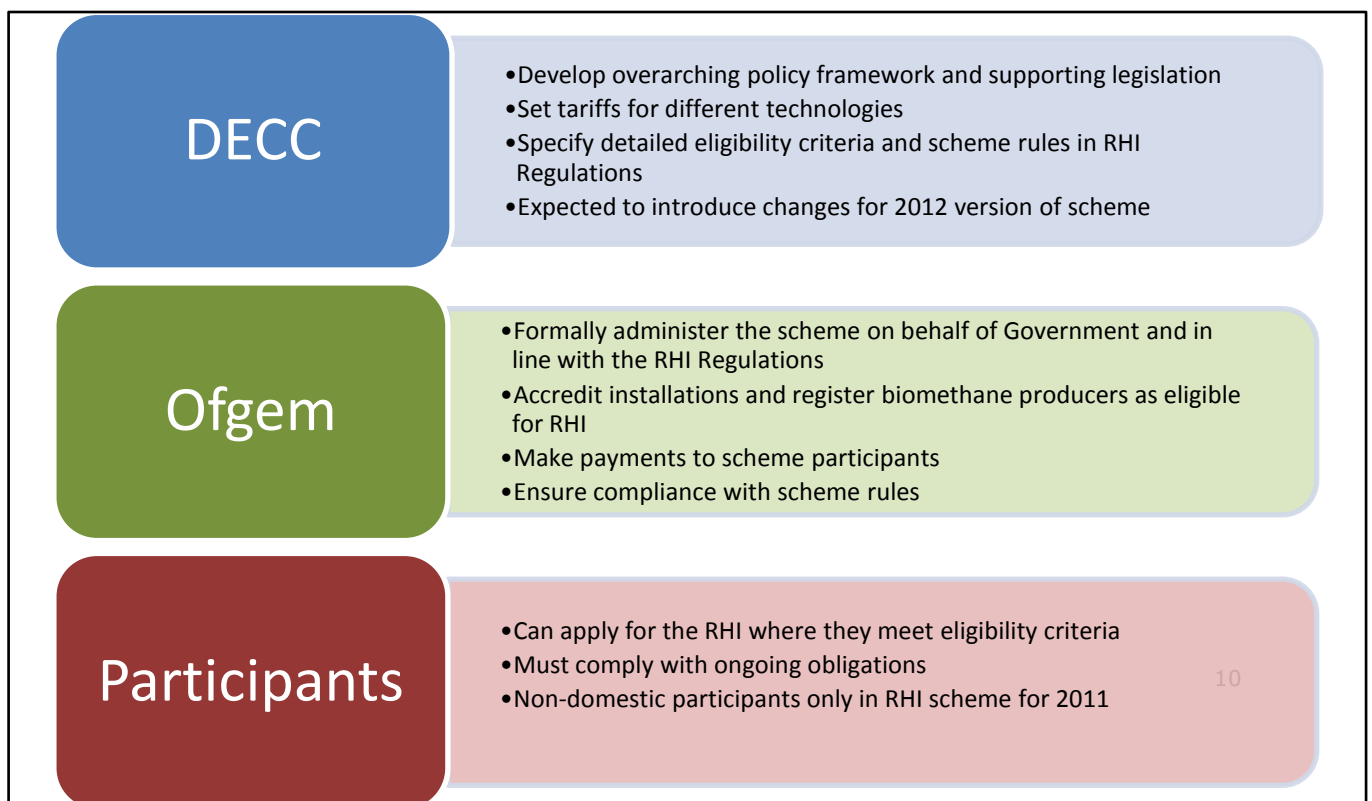
<sup>8</sup> [http://www.decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/renewable%20energy/renewable%20energy%20strategy/1\\_20090717120647\\_e\\_@@\\_t\\_heukrenewableenergystrategy2009.pdf](http://www.decc.gov.uk/assets/decc/what%20we%20do/uk%20energy%20supply/energy%20mix/renewable%20energy/renewable%20energy%20strategy/1_20090717120647_e_@@_t_heukrenewableenergystrategy2009.pdf)

- The Government has stated that they expect to introduce a second phase of the scheme for the **domestic sector** alongside the Green Deal intended to be from **late 2012**. This phase will require further Regulations to be introduced and is not covered in this Guidance document. Before the RHI is made available to the domestic sector in 2012, they may be eligible for the **Renewable Heat Premium Payment (RHPP)**, a grant scheme which is complementary to the RHI. DECC are expected to release further details of the RHPP later in the year.
- 1.5. A range of renewable heat technologies will be supported under the RHI. These include solar thermal, ground and water source heat pumps, biomass and biogas boilers, geothermal, energy from solid biomass in municipal waste and biomethane injection into the gas grid. Payments will be made on a quarterly basis over a 20 year period to the owner of the RHI installation or producer of biomethane.

### Respective Roles

- 1.6. The Government is responsible for developing the underpinning RHI policy including setting tariffs, establishing the legislative framework, and the introduction of further scheme elements in 2012. Any queries about these aspects should be addressed to DECC.
- 1.7. The Government has appointed Ofgem to administer the RHI. Ofgem's E-Serve division already has experience in delivering similar environmental schemes, such as the Renewables Obligation and Feed-in Tariffs.

*Government, Ofgem and participants are involved in making the RHI work and each plays a distinct but important role in the scheme. The diagram below provides a brief overview of the responsibilities of each entity.*



### **Ofgem's Key Functions**

1.8. The Regulations detail Ofgem's key functions with respect to the RHI. The use of 'Ofgem', 'us', 'our' and 'we' are used interchangeably when referring to the exercise of our powers and functions under the RHI.

1.9. Key functions for Ofgem include:

- Accreditation of installations and registration of producers of biomethane which meet the eligibility criteria
- Publishing guidance for participants and prospective participants to understand how to apply and how to comply with the conditions of the RHI
- Making payments to participants for the eligible heat generated or biomethane produced on a quarterly basis
- Monitoring and enforcing compliance with the upfront and ongoing requirements of the RHI as outlined in the Regulations
- Undertaking inspections to ensure participants' ongoing obligations under the RHI are being complied with
- Reporting on the progress of the RHI on a quarterly and annual basis
- Providing a review procedure that allows prospective, current and former participants to challenge our decisions in relation to the administration of the RHI if they believe our decisions are incorrect.

1.10. We will carry out these functions as efficiently and effectively as possible. We cannot, however, act beyond the scope of the powers as laid down in the Regulations.

### **Publication of guidance**

1.11. We are responsible for publishing guidance on the governance and administration of the RHI, including: our approach to ensuring compliance with the RHI; dealing with breaches of RHI requirements; conduct of inspections and handling reviews of decisions.

## **Publication of tariffs**

- 1.12. We will publish an adjusted tariff table on an annual basis to reflect changes in the Retail Prices Index (RPI).<sup>9</sup> This will be published on or before 1 April each year for the period commencing 1 April of that year and ending 31 March the following year.

## **Reporting**

- 1.13. In addition to providing monthly reports to DECC on the uptake of the scheme, we will publish quarterly and annual reports on our website. These public reports will include the following information:
- aggregated details of accredited installations and fuel type
  - aggregated details of the technology replaced
  - amount of periodic support payments made in that reporting period
  - total amount of heat generated for which payments have been made under the RHI, as well as details of what this heat has been used for
  - sustainability information for certain installations using biomass
  - details of biomethane producers
- 1.14. We will also publish the following aggregated information on the Ofgem website on an ongoing basis:
- the number of accredited RHI installations and biomethane producers
  - the technology and installed capacity of the installations
  - the amount of heat generated and biomethane produced together with the total amount of periodic support payments made under each tariff

We will aim to update this information daily.

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<sup>9</sup> The general purpose domestic measure of inflation in the United Kingdom. More information available from the Office of National Statistics ([www.statistics.gov.uk](http://www.statistics.gov.uk))

## Additional information

- 1.15. We may also publish further information which we hold in relation to the performance of our functions under the Regulations as requested by the Secretary of State.

## Queries

- 1.16. Any queries relating to our functions under the Regulations should be emailed to [*operational team email address to be confirmed in final version of Guidance*] with the nature of the query clearly marked. If you are a participant, please note in the query that you are a participant and your installation number. Written queries should be sent to the address on the front of this Guidance clearly marked for the attention of the RHI operational team. For telephone enquiries, the team can be contacted on [*operational team contact number to be confirmed in final version of Guidance*].

## Guidance documents

### Overview

- 1.17. The Guidance is split into two volumes that should be referred to by participants and prospective participants in the RHI.
- **Volume One** provides an overview of the RHI, including Ofgem's powers and duties with respect to the RHI, and information on the eligibility requirements which an applicant must meet and the accreditation or registration process which an applicant must go through in order to become accredited for the scheme and be eligible for incentive payments.
  - **Volume Two** (this volume) details the payment calculation and payments provisions for the RHI, and ongoing obligations with which a participant needs to comply with in order to receive RHI payments. This includes information about how to submit periodic data to Ofgem, including meter readings and annual declarations. Consequences of non compliance, inspection arrangements and the review process are also outlined.
- 1.18. There are two main purposes of the Guidance. The first purpose is to help clarify how the RHI works, what the criteria for joining the RHI are, and what your ongoing obligations would be once you are a participant in the RHI. The second purpose of the Guidance is to set out our interpretation of the RHI Regulations where we have discretion. This means that, for example, where the regulations allow us to ask you for evidence, in the Guidance we provide more detail on what form the evidence should generally take.

### **Legal disclaimers**

- 1.19. The Guidance does not claim to anticipate every scenario which may arise. Where a scenario arises which is not addressed in these procedures, we will adopt an approach which we consider to be consistent with the relevant legislation. Any separate guidance published in addition to this Guidance will be posted on our website.
- 1.20. This Guidance is for guidance only and is not intended to provide comprehensive legal advice on how the Regulations should be interpreted or to itself have legal effect. At all times, the onus is on the owner of an installation or producer of biomethane to ensure that he or she is aware of the requirements of the Regulations. We will provide advice on the eligibility of technologies where we can. However, if a technology is new, developers might find it helpful to seek their own legal and technical advice before approaching us.
- 1.21. Where a participant contracts with third parties in relation to the generation of renewable heat or the production of biomethane, it is the participant's responsibility to ensure, via contractual or other arrangements, that these parties also comply with any relevant ongoing obligations under the RHI.

### **Date of this Guidance**

- 1.22. The Guidance will apply from the coming into force of the Regulations, expected to be 30 September 2011.

### **Devolved Administrations**

- 1.23. In accordance with the Energy Act 2008 (as amended) (the Act), we can only make payments to eligible renewable heat installations that are generating heat in England, Wales and Scotland, or to biomethane producers injecting into the grid in these regions. Amendments to the relevant legislation are a matter for the Secretary of State and Scottish Ministers. Northern Ireland will not be included in the RHI as the province is not currently covered by the legislation in the Act. The Isle of Man and the Channel Islands are excluded from the scheme.

### **Treatment of personal data**

All personal data collected from participants by Ofgem will be processed in accordance with the Data Protection Act 1988. Please note that some personal data will be shared with DECC for the purpose of monitoring the scheme and that, where appropriate, that data may be shared with the Devolved Administrations.

## 2. Overview of ongoing obligations

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### Chapter summary

This Chapter provides an overview of the ongoing obligations a participant is required to comply with to remain eligible for the scheme. This includes the information required on a periodic and ad hoc basis to demonstrate ongoing eligibility.

### Question box

**Question 1:** Are there sections on the ongoing obligations of the scheme which require greater clarity? If so, how can these sections be improved?

## Periodic Information

### Ongoing reporting requirements

- 2.1. Once you become accredited to the RHI, there are obligations that need to be met to remain accredited to the scheme. Where applicable, these obligations, known as 'ongoing obligations, must be adhered to for as long as you are a participant in the scheme.
- 2.2. These ongoing obligations include reporting responsibilities for participants with RHI accredited installations. Please see below where you can find information on the major ongoing reporting requirements:
  - Annual declarations – refer to the section below in this Chapter
  - Meter readings and heat output data – refer to Chapter Three of this volume
  - Ongoing fuelling requirements – refer to Chapter Four of this volume
  - Biomass sustainability reporting – refer to Chapter Six of this volume
  - Treatment of additional capacity – refer to Chapter Seven of this volume
  - Change in ownership of an RHI accredited installation – refer to Chapter Eight of this volume
- 2.3. Submission of reporting information and completion of the annual declaration (see below) must be undertaken by the Authorised Signatory for a participant. An Authorised Signatory is a person who is authorised to open and use an account with the Ofgem RHI website or provide information by post. This person must be one of:

- the owner of a renewable heat installation (or in the case of an installation which has multiple owners, the representative owner who has authority to act on behalf of all such owners)
    - a producer of biomethane, or
    - where the owner, representative owner or producer of biomethane is an organisation, the nominated individual who is authorised by the organisation to open and use an account with the Ofgem RHI website or submit postal information on behalf of that organisation in its capacity as an owner, representative owner or producer of biomethane.
- 2.4. Not all ongoing obligations which apply to heat generating plants apply to biomethane producers. Where we state in this guidance that the obligation relates to an 'installation' or a 'plant', then this would generally not apply to a biomethane producer. As outlined in Volume One, biomethane producers are 'participants' under the scheme so where we state that the obligation applies to 'participants', this would generally include biomethane producers. For example, Chapter Seven of this guidance refers to heat generating plants, so these obligations are not relevant to biomethane producers.
- 2.5. Chapter Nine explains those additional obligations which relate only to biomethane producers.

### **Other ongoing eligibility requirements**

- 2.6. As an ongoing obligation, participants are required to maintain their equipment to ensure it is working effectively. Given the wide range of eligible technologies, it is not practical to specify a particular level of maintenance or frequency of servicing; what would be appropriate for a biomass boiler may not be for a solar thermal system. As a general principle Ofgem requires the equipment to be maintained in line with manufacturer instructions where available. Participants will need to keep any evidence of maintenance work carried out, for example, servicing receipts, and to provide us with this evidence on request.
- 2.7. Participants must also ensure that their meters continue to comply with the ongoing requirements set out in Chapter Seven of Volume One of this Guidance.
- 2.8. A participant must notify Ofgem where the participant has not complied with their ongoing obligations (or have become aware that they will not be able to do so) or there has been any change in circumstances which may affect their eligibility to receive the RHI within 28 days of such non-compliance or change in circumstances. Participants must also tell us within 28 days of removal of any plant supplying heat to the heating system of which their accredited RHI installation forms part.



- 2.9. It will also be a condition of accreditation that a participant must notify us within 28 days of any major change to their accredited RHI installation or the heating system of which it forms part.
- 2.10. In practice, this means that you should advise us of any major change to your installation or to any of the plants supplying heat to a heating system of which the installation forms part. In this context, "major change" means any change which affects, or may reasonably be expected to affect, an installation's metering requirements or tariff rate. We would not consider changes such as repainting or minor repairs to be major changes requiring notification. Please see the section on 'how to submit information' below for information on how to inform us of a change.
- 2.11. If your system will be exporting heat off site, the same principles for advising us will also apply to any change of circumstance which may affect your eligibility to receive periodic support payments, including a change of heat use, or a major change in relation to any equipment used in the transportation or metering of eligible renewable heat.
- 2.12. If you fail to advise us of relevant matters within 28 days, you will be in breach of your ongoing obligations as a participant. In these instances, Ofgem would have the power under the Regulations to take enforcement action against you. In deciding whether such action is appropriate, Ofgem will consider all the circumstances of the case, including, for example, any reasons given for the delay in notification, the impact of the unreported change on eligibility or expected levels of tariff payments, any previous delays in your required notifications etc. For further information, please refer to Chapter Ten of this volume.
- 2.13. You must also notify us in writing if you discover that any of the information you provided in support of your application for accreditation or registration was incorrect. We consider 28 days from the date on which you discovered the information to be incorrect to be a reasonable timeframe to inform us of the discovery. We will then assess on a case by case basis any impact on your tariff rate or eligibility.
- 2.14. Participants must keep their contact details, bank details, and Authorised Signatory information up to date.
- 2.15. Participants must allow Ofgem reasonable access to an accredited installation and its associated infrastructure in accordance with Part Nine of the Regulations. Please see Chapter Eleven of this volume for more information on the reasons for which we may seek access.

## How to submit information

- 2.16. Data can be submitted electronically, by phone or in writing, depending on the type of information you are providing. Under the Regulations, notifications need to be submitted in writing. The data you will need to submit is dependent upon the technology type of your installation and any separate conditions agreed with Ofgem. Please refer to the appropriate chapter of this volume to establish when, how and in what format the information relevant for your installation needs to be provided to Ofgem. Provisions for late, estimated and incorrect data will also be explained.
- 2.17. As explained in sections 2.7-2.10 above, notification of a failure to comply with ongoing obligations, a change in circumstances which may affect your eligibility or a change to your installation (or plant(s) in the heating system of which your installation forms part), must be made within 28 days of the event. This notification must be submitted in writing either electronically, or by post. It is the participant's responsibility to ensure Ofgem has received the information in a timely fashion. Participants submitting data by post may request an acknowledgement of receipt by Ofgem.

## Annual declarations

- 2.18. All participants are required to sign<sup>10</sup> an annual declaration on the anniversary of the date on which they became accredited and every year thereafter. The annual declaration will confirm that:
- the accredited RHI installation/registered biomethane producer has met the eligibility criteria and ongoing obligations of the scheme for the previous 12 months, including that:
    - they have not generated heat for the predominant purpose of increasing their periodic support payments
    - the equipment is maintained. (If Ofgem is concerned that equipment is not being maintained, it can seek further evidence and where satisfied that it is not being maintained, take appropriate enforcement action.)
  - the information provided for the previous 12 months has been accurate and complete to the best of the participant's knowledge and belief
  - there has been no change in circumstances which may affect the participant's eligibility to receive the RHI.

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<sup>10</sup> For participants completing online annual declarations, a confirmation completed by the Authorised Signatory from their secure RHI user account replaces a physical signature

- 2.19. Ofgem will notify each participant of their annual declaration obligation by sending a reminder. The annual declaration must be submitted at the same time as the final meter reading for the accreditation year. The window for submitting your final meter reading and annual declaration is one month from the conclusion of the fourth quarterly period.
- 2.20. If an RHI participant fails to sign their annual declaration this will be treated as a failure to comply with an ongoing obligation of the scheme and we may take compliance action, which may include suspending or withholding payments. We will normally recommence payments if the declaration is subsequently submitted within a reasonable period, but long term failure to submit a declaration may result in further compliance action. For further details, please see Chapter Ten of this volume.
- 2.21. The Authorised Signatory for the installation is responsible for signing the annual declaration, thereby agreeing to its terms. Responsibility cannot be delegated to other parties.
- 2.22. Participants will be able to submit their annual declaration online through their RHI account, or for those participants who do not have access to the internet, in hard copy by post.

## 3. Provision of periodic data – heat output data and supporting meter readings

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### Chapter summary

This Chapter provides guidance on the submission of meter readings and heat output data by participants. Provision for late, incorrect and estimated data is also explained.

### What is periodic data?

- 3.1. Once an installation is accredited, or a producer of Biomethane registered, participants will need to submit the following information on a regular basis as an ongoing obligation, and in order for Ofgem to calculate the appropriate payment:
- Heat output data
  - Supporting meter readings
  - Fuel data (for certain bioenergy installations – see Chapter Four)
  - Biomass sustainability information (for certain solid biomass installations or biomethane producers – see Chapter Six).

We refer to this information as 'periodic data'.

- 3.2. Periodic data must be provided for all accredited RHI installations and biomethane producers. Participants with more than one accredited installation will need to provide periodic data separately for each installation.
- 3.3. This section sets out the timing and process for providing periodic data to Ofgem for all accredited installations and biomethane producers. For further information on the periodic data required from producers of biomethane see Chapter Nine of this volume. For biomethane producers, it is energy and volume measurement rather than heat output data and meter readings which are required.

### Frequency of submission of Periodic Data

- 3.4. The frequency with which **heat output data** and **meter readings** must be provided is determined by the installation capacity:

- Installations with a capacity of under 1MWth will be required to take quarterly meter readings
  - Installations with a capacity of 1MWth and above will be required to take monthly meter readings.
- 3.5. Fuel data and Biomass Sustainability information (where applicable) are required to be submitted quarterly.

### **Heat Output Data**

- 3.6. All participants must provide heat output data, in kWhth, which is used to calculate their payments. The output data that is required depends on whether it relates to the production of biomethane, heat generated by an accredited installation and whether or not such installation is classed as a simple or complex installation for metering purposes (see Volume One, Chapter Seven, 'Metering Eligibility Requirements' for more information on the simple and complex classification).

#### *Output data for simple installations*

- 3.7. For installations that are classed as 'simple' for RHI metering purposes, participants will need to supply the following:
- The **amount of heat generated by the accredited RHI installation** in the relevant period in kWhth.

#### *Output data for complex installations*

- 3.8. For installations that are classed as 'complex' for metering purposes, participants will usually need to provide three heat output figures:
- the **amount of heat generated by the accredited RHI installation** during the relevant period
  - the **amount of heat used by the heating system** of which the accredited RHI installation forms part for eligible purposes during the relevant period
  - the **total amount of heat supplied by all plants** (including the accredited installation) to the heating system of which the accredited installation forms part during the relevant period.

#### *Additional requirement for biogas installations*

- 3.9. In addition to the output data above, biogas installations (both simple and complex) will need to provide a figure for the heat in kWhth directed from the installation or delivered by any other source to the biogas production plant

which produced the biogas combusted in the relevant period (other than heat contained in feedstock used to produce biogas by anaerobic digestion).

### **Supporting meter readings**

- 3.10. Participants need to provide a meter reading<sup>11</sup> for all RHI-relevant meters. These are used to support the heat output data described above and we will regularly check submissions to ensure that the output data is consistent with those meter readings. It is an ongoing obligation that meter readings are provided as cumulative figures in kWhth. For further information about what constitutes an RHI-relevant meter and technical requirements relating to meters used for RHI purposes, please see Volume One, Chapter Seven, 'Metering eligibility requirements' of this Guidance.

### **When do I need to take meter readings?**

- 3.11. We will require participants with eligible installations must take an initial meter reading for all RHI-relevant meters as part of their application for accreditation, as the date on which this application is submitted will often coincide with the date of accreditation (see Volume One, Chapter Two for more information on date of accreditation). The same time periods apply to the relevant energy measurement readings for biomethane producers.
- 3.12. They will then need to take subsequent meter readings quarterly or monthly as set out above. Where an installation has been accredited, the month or quarter will run from the installation's date of accreditation. For example, a 100kWth installation that has a date of accreditation of 4 October 2011 will need to take their first quarterly meter reading within +/- 3 days of 4 January 2012. A 2MWth installation accredited on the same day will need to take their first monthly meter readings within +/- 3 days of 4 November 2011.
- 3.13. All meter readings must be taken within +/- 3 days of the required date.
- 3.14. Participants will then have one month after the end of the relevant monthly/quarterly period to submit their periodic data to Ofgem. It is in your interest to submit your required data to Ofgem early on in your submission window as we will only begin to process your payment once we have received your data. In other words, the sooner you submit your data, the less time you may need to wait to receive your payment (subject to any queries we may have regarding the periodic data submitted).
- 3.15. An example timetable for providing meter readings is shown below.
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<sup>11</sup> Here, "meter" refers to both heat meters and steam measuring equipment (or steam "meters"). Further information on meters and metering requirements can be found in Chapter Seven of Volume One of this Guidance document.

<b>Date</b>	<b>Activity</b>	<b>Meter readings required</b>
03/04/2012	Participant applies for accreditation on a 500kWth ground source heat pump	Initial meter readings provided as part of the application for accreditation
30/04/2012	Installation is accredited, with an accreditation date of 03/04/2012	None needed
29/06/2012	Window for taking meter readings opens at start of the day (as it is 3 days before the end of the quarter on 02/07/2012) Submission window for entering heat output data and meter readings on to the RHI IT system opens at start of day	Meter readings must be taken for all RHI-relevant meters in the next 6 days
02/07/2012	First quarter ends	
05/07/2012	Window for taking meter readings closes at end of the day (as it is 3 days after the end of the quarter on 02/07/2012)	Meter readings must have been taken for all RHI-relevant meters
01/08/2012	Submission window for entering heat output data and meter readings closes at end of day (as it is one month after the end of the first quarter)	Meter readings for all RHI-relevant meters and the consequent heat output data must have been entered on to the Ofgem RHI Website

- 3.16. The timing and process for taking meter readings and providing them to Ofgem will be set out in the information sent to participants when their application for accreditation has been approved.

### **Submission of periodic data while awaiting accreditation**

- 3.17. Participants will need to take meter readings at the appropriate frequency once their application for accreditation or registration has been submitted and is being reviewed by Ofgem. This will enable accurate payments to be made if the application is approved. This is most likely to be relevant to large installations as monthly meter readings are required, and where a complex accreditation could take over a month to gain approval.
- 3.18. Where the eligible installation has not yet been accredited (or registered for biomethane producers), the month or quarter will run from the date of submission of the application. For more information about determining the date on which your application was deemed as submitted for these purposes, please see Volume One, Chapter Two, paragraphs 2.35-37.

- 3.19. Applicants with installations of 1MW or over who are applying up to one month ahead of commissioning date (see Volume One, Chapter Two, paragraphs 2.38-39) will not be required to take meter readings from the date on which their application for accreditation was submitted. They will instead need to take meter readings on the date on which the installation is first commissioned and submit these to Ofgem as soon as possible after this date. After the commissioning date, the requirements for submitting periodic data are as for all other installations. To submit meter readings taken once the installation has been commissioned, please contact us at [operational contact details to be confirmed].

### **How to submit information to Ofgem**

- 3.20. Periodic data should be submitted via the participant's account on the Ofgem RHI website. For systems with more than 10 RHI-relevant meters, it will be possible to upload the required information directly.
- 3.21. The Ofgem RHI website will be able to accept periodic data in time for the first quarterly data submissions from end December 2011. Participants with installations over 1MW who need to submit monthly data before then should email the data to Ofgem. Further information will be given at the time of application.

### **Late data**

- 3.22. The Regulations allow us, at our discretion, to accept periodic data outside of the one month deadline described above. We will consider each late data request on a case-by-case basis. Where we suspect that participants may be failing to comply with ongoing obligations, we will take further steps, as detailed in Chapter 10 of this volume to determine the facts and decide what action, if any, may be appropriate to deal with the matter.
- 3.23. However, we will be most sympathetic to requests in the following circumstances:
- 1) The participant has documentary evidence to demonstrate that they attempted to send the data to us
    - *We expect the majority of these cases to relate to technical problems, for example difficulties with accessing the internet. Participants are encouraged to keep all associated evidence of this*
    - *In addition, we expect participants to take all reasonable action to ensure delivery of the data. This includes acting on any error messages they may receive and querying whether data has been submitted, and contacting Ofgem to arrange for an alternative way to submit the data (such as email) if any problems accessing the Ofgem RHI website are ongoing*



- 2) There has been a material incident accredited RHI installation, for example there has been a serious fire or a major flood
  - *We normally expect participants to inform us of this before the deadline*
- 3) There has been an unplanned absence of a key staff member and it has not been possible to arrange cover
  - *In the vast majority of cases, we expect participants to be able to arrange cover and we will be less sympathetic to larger organisations that should have adequate resources to cover absences*
- 4) We have introduced new procedures or changed existing procedures and the transition to the new procedures has made it difficult for the participant to submit their data on time
  - *In all cases, we will take into account the nature of the new or changed procedure, the lead time which we provided before it was implemented and how it was communicated. When coming to a decision, we will also take the following factors into account:*
    - whether the participant has notified us of potential problems before the deadline
    - whether the participant has previously made any late data requests and on what basis
    - whether the participant has taken appropriate action to try to prevent the delay in data submission, and
    - the length of the delay in data submission.

This is not an exhaustive list but indicates the types of circumstances in which we would be more likely to exercise our discretion to accept late data.

### **Errors in data**

- 3.24. Where we consider it appropriate we will accept revised periodic data if:
- the participant subsequently realises that the information originally submitted is erroneous, or
  - we become aware through other routes, such as audit, that this is the case.
- 3.25. We will consider each request relating to revised periodic data submission on a case-by-case basis. As the submission of inaccurate data would generally

constitute a failure to comply with ongoing obligations, we may take further steps as detailed in Chapter 10 of this volume to determine the facts and decide what action, if any, may be appropriate to deal with the matter. In doing so, we will take a number of factors into consideration, including how the error was notified to us.

- 3.26. In addition to any action which we may take in relation to a particular error in data submitted as described above, where errors in your periodic data are material or repeated, we may decide to take further enforcement action against you. 'Materiality' for these purposes will be determined on the basis of all relevant circumstances (this may include the period over which the error occurred, the amount by which the payments were affected, the means by which the error was discovered (e.g. by audit or inspection or by notification from the participant) and the degree of cooperation demonstrated by the participant in rectifying the error).

### **Use of estimates**

- 3.27. The Regulations allow us, solely at our discretion, to accept estimated data on which to base calculations of payments. This may be relevant where a participant satisfies us that it would not be possible for them to provide accurate data for a quarterly period.
- 3.28. An example of why a participant may want to use an estimate would be if there was a temporary failure of metering equipment which meant that an accurate reading was not possible.
- 3.29. The method for estimating data will need to be agreed in advance with us. This means that the onus is on the participant to contact us as soon as the need for estimation arises and provide evidence of the reasons why accurate data will not be available. A participant must seek agreement to use an estimate at the latest in advance of the deadline for provision of data for the relevant period.
- 3.30. We will only accept estimated data that is not agreed within the timeframe detailed above in exceptional circumstances. Agreement to the provision of estimated data for one quarterly period does not necessarily mean that an estimate will be acceptable for a subsequent period, nor does it in any way imply a waiver of your metering, maintenance or other ongoing obligations under the Regulations.

## 4. Ongoing fuel eligibility requirements

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### Chapter summary

This Chapter explains the ongoing fuel eligibility requirements that bioenergy plants must comply with to remain eligible for the RHI. Guidance is provided on how these requirements can be met, including information on how contaminated fuels and ancillary fuels should be accounted for. Requirements for plants using solid biomass contained in municipal waste are also explained.

- 4.1. This chapter applies to certain installations or biomethane production facilities using fuels derived from biomass.<sup>12</sup> Relevant plants are those producing biogas for conversion into biomethane and those generating heat using:
  - solid biomass
  - solid biomass contained in municipal waste
  - biogas.
- 4.2. These plants have specific ongoing fuelling requirements and allowances that plants must follow, in addition to the initial requirements for accreditation and other ongoing obligations. These are outlined in this chapter.
- 4.3. Please contact us for any queries on eligible fuels to be used and fuel measurement and sampling (FMS) arrangements.

### Ongoing fuel requirements

#### Definition of 'energy content'

- 4.4. In this Chapter and related appendices, we refer frequently to 'energy content'. By 'energy content' we mean the amount of energy contained within a fuel or feedstock. Specifically, the Regulations refer to the substance's "gross calorific value (GCV) within the meaning of British Standard BS 7420:1991". For example, we may need to know the number of Megajoules (MJ) of energy contained in a given quantity (e.g. a tonne) of fuel, or the percentage of the energy content of a fuel (or combination of fuels) that is from a fossil or biomass source.

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<sup>12</sup> See Volume One of the Guidance for the eligibility criteria for plants using biomass-based fuels.

## **General fuel eligibility criteria**

### *Peat ineligibility*

- 4.5. Peat does not count as biomass so cannot be included in any RHI claim, either as a feedstock for the production of biogas or as a fuel itself.

### *Anaerobic digestion*

- 4.6. When biogas produced by anaerobic digestion is used to generate heat or to produce biomethane, that biogas is only eligible when certain 'feedstocks' have been used in its production. Feedstocks are the material (e.g. slurry, sewage or food waste) that is converted into the biogas. The eligible feedstocks are:

- solid biomass
- solid waste
- liquid waste.<sup>13</sup>

- 4.7. Please note that installations that generate heat from landfill gas or participants producing biomethane which is derived from the conversion of landfill gas are not eligible under the RHI.

### *Gasification and pyrolysis*

- 4.8. When biogas produced by gasification or pyrolysis is used to generate heat or to produce biomethane, that biogas is only eligible when the feedstocks used to create the gas are solid biomass and/or municipal waste.

## **Prohibition on fossil fuel - exceptions**

- 4.9. Accredited installations which use solid biomass, solid biomass contained in municipal waste or biogas are not permitted to use fossil fuel within the installation, other than in cases which fall under the following two exceptions:
- Ancillary fuel (small amounts of fossil fuel necessary for the effective operation of the installation)

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<sup>13</sup> 'Waste' is defined in regulation as having the same meaning as in section 75(2) of the Environmental Protection Act 1990. See <http://www.legislation.gov.uk/ukpga/1990/43/section/75>

- Contaminated fuel (where the biomass fuel / municipal waste contains fossil fuel contaminant within the limits specified in the Regulations)
- 4.10. Other than this, use of fossil fuel in these types of accredited installation would be a breach of a participant's ongoing obligations under the Regulations.
- 4.11. Where you are in breach of your ongoing obligations, your entitlement to payment under the RHI for the period in which you did not comply is at Ofgem's discretion. We may suspend or permanently withhold your payments for any quarterly period in which ineligible fuels are used or for which ancillary or contaminant fossil fuel limits are exceeded. In exercising our discretion, we shall take into account all relevant circumstances, including factors such as the degree of ineligible fuel use, the period for which this continued, the reasons why ineligible fuel came to be used and the manner in which any breach came to light. Where infringements of fuel requirements are material or repeated, we may also take other compliance or enforcement action against you, including revocation of your accreditation or registration.

*Solid biomass plants of 45kW and under*

- 4.12. As outlined in Chapter Four, 'Supported technologies and fuels' in Volume One of this Guidance, solid biomass plants of this capacity are not allowed to use fossil fuels for any purpose, or to use solid biomass contaminated with fossil fuel.

**Ancillary fossil fuel**

- 4.13. Installations generating heat using the following forms of biomass can use fossil fuel for 'permitted ancillary purposes' related to the ongoing operation and maintenance of the boiler or other heat generating equipment:
- solid biomass where the installation capacity is above 45kW
  - solid biomass contained in municipal waste
  - biogas (from anaerobic digestion, pyrolysis or gasification).
- 4.14. These purposes are:
- cleansing other fuels from the accredited RHI installation's combustion system prior to using fossil fuel to heat the combustion system to its normal temperature
  - the heating of the accredited RHI installation's combustion system to its normal operating temperature or the maintenance of that temperature

- ignition of fuels of low or variable calorific value
  - emission control
  - in relation to accredited RHI installations which are combined heat and power (CHP), standby generation or the testing of standby generation capacity<sup>14</sup>.
- 4.15. This refers to fossil fuel used in the same plant as the biomass (e.g. in the same boiler chamber), rather than the use of fossil fuel in a different boiler. The latter is permitted alongside an eligible installation provided it is metered separately and excluded from heat supported by the RHI.
- 4.16. Where the use of fossil fuel for these specified ancillary purposes is required at the plant, up to 10 per cent of the energy content of all the fuels<sup>15</sup> (biomass and fossil) used at the plant during the quarter can be from fossil fuel for ancillary purposes.
- 4.17. Where the energy content is above this level, the participant would be in breach of its ongoing obligations. As described above, this may result in the suspension or withholding of your payments for the period for which the ancillary fuel limit is breached, or for material or repeated breaches of the requirements, in other compliance and enforcement action being taken against you.
- 4.18. For details on how plants should demonstrate that they meet this requirement, see the 'How to meet ongoing fuel requirements' section below.

### **Contaminated fuels and feedstocks**

- 4.19. Certain plants can use biomass contaminated with fossil fuel. For example, wood contaminated with varnishes, glues or paints (which are often derived from fossil fuels) are permitted. This is what regulations refer to as 'contaminated' fuels or feedstocks. 'Uncontaminated' or '100 per cent biomass' fuels or feedstocks would not contain any fossil fuels of this kind.
- 4.20. The plants where biomass contaminated with fossil fuel may be used are the same as the plants permitted to use ancillary fossil fuel except that:

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<sup>14</sup> "Standby generation" means the generation of electricity by equipment which is not used frequently or regularly to generate electricity and where all the electricity generated by that equipment is used by the accredited RHI installation;

<sup>15</sup> For biogas plants for this particular requirement, it is the energy content of the biogas which is to be compared to the fossil fuel use, rather than of the feedstock (although, as stated, this does not formally need to be measured)

- fossil fuel contamination is not considered relevant to plants using biogas derived from anaerobic digestion as, in this case, contaminants are expected to remain as residues from the digestive processes and would not affect biogas output, and
- whilst ancillary fuel use is not relevant to facilities producing biogas for conversion into biomethane, these plants are permitted to use biogas contaminated with fossil fuel within the specified limits.

4.21. Therefore, contaminated fuel limits only apply to plants producing biogas by gasification or pyrolysis for conversion to biomethane and to installations using the following forms of biomass to generate heat:

- solid biomass with an installation capacity of above 45kW
- solid biomass contained in municipal waste
- biogas (from gasification and pyrolysis only).

4.22. Applicants must declare up-front as part of the accreditation process whether contaminated fuels are to be used at the plant. We outline below the contamination criteria for the various technologies.

*Contamination limits for solid biomass plants above 45kW*

4.23. For solid biomass, the energy content of the contamination must be 10 per cent or under of all the biomass fuels (contaminated or otherwise) used in that quarter.

4.24. For details on how plants should demonstrate that they meet this criterion, see the 'How to meet ongoing fuel requirements' section below.

*Contamination limits for municipal waste plants*

4.25. For plants burning municipal waste, the contamination contained within that waste can be up to and including 50 per cent in each quarterly period. For information on how this can be evidenced, see section 'Specific municipal waste fuel measurement criteria' below.

*Contamination limits for gasification and pyrolysis plants*

4.26. The solid biomass feedstock would need to meet the 10 per cent or under contamination by energy content criteria explained above in the 'Solid biomass above 45kW' section.

4.27. The municipal waste feedstock would need to meet the 50 per cent biomass criteria outlined in the Municipal Waste section below.

*Contamination limits for anaerobic digestion plants*

4.28. As explained above, the Regulations do not require participants to take account of any fossil fuel contained in feedstocks used for anaerobic digestion. The policy rationale for this being that only the biomass feedstocks will degrade through the anaerobic digestion process to produce biogas.

**Overview of ancillary fossil fuel and contamination requirements**

Table 1: Requirements in relation to ancillary fossil fuel and contamination

<b>Technology</b>	<b>Size</b>	<b>Is fossil fuel permitted for ancillary purposes?</b>	<b>Is contamination allowed?</b>	<b>Is ancillary fossil fuel and contamination deducted from payment?</b>
Solid biomass	45kW and below	×	×	N/A
	Between 45kW – 1MW	✓	✓	N
	1MW and above	✓	✓	Y
Biogas - gasification or pyrolysis	Under 200kW only	✓	✓	Only contamination deducted
Biogas - anaerobic digestion	Under 200kW only	✓	✓	N
Municipal waste	All	✓	✓	Y
Biomethane - gasification or pyrolysis	All	N/A	✓	Only contamination deducted
Biomethane - anaerobic digestion	All	N/A	✓	N

4.29. Where the energy content is above the levels outlined in the four scenarios in this section, the participant would be in breach of its ongoing obligations. As described above, this may result in the suspension or withholding of your payments for the period for which the ancillary fuel limit is breached, or for material or repeated breaches of the requirements, in other compliance and enforcement action being taken against you.



## How to meet ongoing fuel requirements

### Ancillary fossil fuels requirements

#### *Solid biomass with installation capacity of between 45kW – 1MW and biogas*

4.30. Whilst installations using either biogas or solid biomass in this capacity range must ensure that the energy content derived from fossil fuels used for ancillary purposes is less than 10 per cent, there is no requirement to provide documentary evidence of this on a quarterly basis. In addition, as the RHI payment calculation takes no account of this ancillary fossil fuel use, the exact percentage of energy content derived from fossil fuels is not required.

4.31. However, where participants do use ancillary fossil fuel, they must keep certain documentation for audit purposes to support their claim that under 10 per cent of fossil fuel by energy content has been used. This documentation includes:

- all fossil fuel and biomass invoices and receipts
- where invoices and receipts do not relate to energy content, a description of the type of fossil fuel purchased (so that we can calculate energy content or GCV)
- a stated efficiency of the boiler, engine or other heat generating equipment (which can then be compared against the fossil fuel purchase documentation).

4.32. We will regularly review this documentation on a sample basis.

#### *Solid biomass with installation capacity of 1MW and above*

4.33. Where fossil fuel is used for ancillary purposes, the plant must follow the FMS procedures outlined later in this chapter.

4.34. The energy content of the ancillary fossil fuel used in plants of this capacity range will be deducted pro-rata from the payment calculation made (as a total of the energy content of all fuels). For example, where a plant uses ancillary fossil fuel, the energy content of that fuel as a proportion of the total fuels used in a quarter will be deducted from the final payment.

## **Contaminated fuels and feedstocks**

### *Solid biomass with installation capacity between 45kW – 1MW*

- 4.35. As set out above, solid biomass plants between 45kW and 1MW are allowed to use contaminated biomass fuels, but the energy content of these fuels cannot exceed 10 per cent of the energy content of the biomass fuels used in the quarter.
- 4.36. Applicants should inform us during the accreditation process that they intend to use a contaminated fuel.
- 4.37. Unlike for plants of 1MW and above who will always receive a pro-rated payment where there is fuel contamination, no deduction will be made to the payment calculation for fuel contamination that is below 10 per cent of the energy content of the biomass fuels used. Again, no documentary evidence will be required from relevant participants on a quarterly basis.
- 4.38. Where an applicant proposes to use a contaminated fuel at this capacity range of boiler, we will consider a range of evidence to show that the fossil fuel contaminants will not be above 10 per cent of the biomass fuels in a given quarter. This documentation includes:
- a boiler warranty or boiler fuel specification clearly showing that fuels above 10 per cent contamination by energy content are not to be used in the boiler
  - a fuel supply contract or purchase specification clearly showing that the energy content of the contamination will not be above 10 per cent of the biomass fuel, and
  - initial sampling demonstrating that the energy content of the contamination is not likely to be above 10 per cent of the biomass fuel (for further details on sampling, see the FMS section below).
- 4.39. Participants do not need to submit this information on a periodic basis, but we will regularly ask a sample of participants to provide us with this documentation for review.

### *Solid biomass with installation capacity of 1MW and above*

- 4.40. For this scale of plant, when contaminated biomass is used, the energy content of that contamination must be measured (as a percentage of the energy content of the biomass). The biomass used in a quarterly period cannot contain more than 10 per cent contamination by energy content. As with the process for ancillary fossil fuel use described above, we will use the percentage of fossil fuel contamination to work out the appropriate deduction

from the RHI payment. Please refer to the calculation example provided in Table 2 below.

- 4.41. For details on how the energy content of the contamination can be measured, please see the FMS section later in this chapter.

*Worked example: calculation of renewable percentage*

- 4.42. The following is a worked example of how the 'renewable' or 'qualifying' percentage is calculated

Table 2: Calculation of renewable percentage

<b>Fuel</b>	<b>Amount (Tonnes)</b>	<b>GCV (Mega joules (MJ) per tonne)</b>	<b>Energy content (MJ)</b>	<b>Contamination percentage</b>	<b>Energy content of contamination (MJ)</b>
Biomass fuel	20	20	400	5%	20
Fossil fuel (ancillary)	1	30	30	N/A	N/A
Total	21		430		

The energy content of the biomass fuel is 400 MJ, of which 20 MJ is fossil fuel contamination (i.e. 380 MJ are 'renewable'). A further 30 MJ of ancillary fossil fuel is used by the plant in the period.

So of the total of 430 MJ of fuels used in the period, 380 MJ were from biomass fuels, and 50 MJ from fossil (in the form of contamination or ancillary purposes).

The qualifying percentage in this case would therefore be 88 per cent (380/430).

*Anaerobic digestion*

- 4.43. The relevant tariff calculation in the Regulations assumes that for any feedstock contaminated with fossil fuel (e.g. food waste which contains plastic food packaging), the fossil fuel element does not digest and therefore contribute to the calorific value of the biogas. We therefore do not require the contamination of the feedstock to be measured and no deduction is made from the payment.

*Gasification / pyrolysis*

- 4.44. Where the participant has declared upfront that the installation will use feedstock contaminated with fossil fuel, they will have to follow the FMS procedures outlined later in this chapter. This is to ensure compliance with the contamination criteria and because the tariff payment is 'pro rated' to deduct the fossil fuel contamination in the feedstock.

- 4.45. Where municipal waste is used as a feedstock, the criteria in relation to assessing whether contamination is likely to exceed 50 per cent also applies – see the municipal waste section for details of this.
- 4.46. No account is to be taken of the energy content of the char, or any other by-products of the process. This is because regulations regarding fossil fuel-derived content relate to the input feedstocks used at the biogas production plant, rather than to the biogas itself.

## Fuel measurement and sampling

- 4.47. The term ‘fuel measurement and sampling’ (FMS) refers to the way in which certain participants in the RHI are required to determine the renewable biomass proportion of their input fuels. This is done on a quarterly basis and is based on the energy content of the fuels. By ‘measurement’, we mean determining the amount or quantity of a fuel (for example in tonnes or cubic meters). This may, for example, be through weighing the fuel. By ‘sampling’, we mean taking small sample amounts of fuel and testing them to determine specific properties such as their GCV.

### When FMS is required

- 4.48. As described in the ‘Ongoing fuel requirements’ section above, FMS is only required when a participant generates heat from fossil fuel at their installation and when the regulations state that the tariff should be apportioned ‘pro rata’ to adjust for any fossil fuel use. Where only 100 per cent biomass fuels are used, no measurement or sampling of the fuel is required.

Table 3: Circumstances where FMS is required

Technology	Size	Where plant uses contaminated fuel is fuel measurement and sampling required?	Where plant uses fossil fuel for permitted ancillary purposes, is fuel measurement and sampling required?
Solid biomass	45kW and below	N/A (not permitted)	N/A (not permitted)
	Between 45kW - 1MW	No	No
	1MW and above	Yes	Yes
Biogas - gasification or pyrolysis	Under 200kW only	Yes	No
Biogas - anaerobic digestion	Under 200kW only	No	No
Municipal waste	All	Yes	Yes
Biomethane - gasification or pyrolysis*	All	Yes	N/A
Biomethane - anaerobic digestion*	All	Yes	N/A

\* Biomethane producers will be required to follow fuel measurement in all circumstances so that we can verify the energy content of the gas injected

- 4.49. Based on this table, participants that need to calculate the energy content of the biomass, fossil fuel and contamination contents of their fuels should review the specific regulations relating to this found in the Regulations.<sup>16</sup>
- 4.50. Where 'pro rating' is stipulated in the RHI regulations, we need to know the energy content of all the fuels (including contaminated fuels) added together and used within the quarter. We also need to know the energy content of the biomass fuels in relation to the total fuels used (see Table 2 above).

### **Purpose of the FMS questionnaire**

- 4.51. The FMS questionnaire is our way of reviewing the procedures that will be used by the participant to determine whether the information provided in each quarterly period is accurate.<sup>17</sup> We will approve these procedures where they set out the basis for accurate ongoing reporting. We approve these up-front to ensure that participants follow appropriate procedures, thus reducing the likelihood that we would need to withhold payment due to inaccurate or incorrect periodic data being subsequently provided.
- 4.52. More detail on how to measure and sample accurately can be found in Appendices 3-6 of this volume.

### **When to submit FMS procedures**

- 4.53. If a participant is required to carry out FMS for an installation, the participant will need to submit the proposed procedures detailing how they will do this. Procedures are submitted in a form provided by Ofgem, the Fuel Measurement and Sampling Questionnaire (FMS Questionnaire). [*This will be available on our website – link will be included here in final version post-consultation*]
- 4.54. If existing procedures change (for example when a new type of fuel is used at the plant, or when new measurement equipment is installed), the FMS Questionnaire will need to be amended and re-submitted for approval.
- 4.55. Participants should submit their initial FMS Questionnaire at the time of submitting their application. We will not review your application until we have received your FMS Questionnaire, and applications cannot be approved without an approved FMS Questionnaire. This is because without an approved FMS questionnaire we cannot be confident that the ongoing obligations relating to the use of solid biomass, biogas or biomethane (Regulations, Part 4, Chapters 1 and 2) can be complied with.

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<sup>16</sup> Regulations, Part 4, Chapter 1 and 2

<sup>17</sup> Regulations, Part 4, Chapter 3, Regulation 36 (4)

### **Format of FMS procedure**

- 4.56. The FMS must be provided on the Microsoft Excel template supplied by Ofgem that will be available on our website to download. This will then need to be converted to PDF format before it can be uploaded to the RHI website.

### **Approval of FMS: case-by-case approach**

- 4.57. We recognise that no single biomass heat installation is identical to another and that different installations will use combinations and quantities of fuels from different sources. We will therefore agree FMS procedures on a case-by-case basis, according to the specific setup and conditions at each plant. However, before approving FMS procedures, we must be satisfied that the approach which you are proposing is capable of adequately demonstrating ongoing compliance with the fuel requirements as set out in the Regulations.

### **Alternative proposals for measurement methodologies**

- 4.58. As an alternative or supplemental approach to the measurement and sampling of input fuels used by an installation, participants can propose that any fossil fuel component of fuel used can be measured by analysing any gases or other substances that are created as part of the combustion process. These will typically be analysis of the flue gases resulting from combustion.

### **Quarterly FMS measurement: carry-over of fuel-stocks**

- 4.59. Measuring the weight of biomass used in a quarterly period is required to calculate the RHI payment. This means that the weight of any stocks carried over from the previous quarter must be measured in the quarter of use.
- 4.60. A strict interpretation of the requirement to account accurately for the weight of biomass used within a quarter would mean that measurements had to be taken at the stroke of midnight on the last day of each quarter. We realise that there are practical implications for some installations in achieving this. As such, we will therefore accept measurements taken +/- 3 days after the end of the quarterly period (in line with meter readings).
- 4.61. In deciding when to take weight measurements of stock carried over from one quarterly period to the next, good practice would be to measure the fuel at the same time each quarterly period. Whilst we may be able to allow some flexibility where we are satisfied that practical obstacles exist, we encourage measurements to be taken at the same time each quarterly period so that the qualifying percentage can be accurately measured.
- 4.62. When assessing measurement and sampling information for stock carried over from one quarterly period to the next, we will take a pragmatic approach. For example, we may be able to accept estimates of stock levels (as opposed to

requiring sheds to be emptied and stock taken back over weighbridges) in circumstances where we are satisfied that the proposed estimation techniques offer an acceptable level of accuracy and reliability.

### **Fuel Management**

- 4.63. In addition to submitting the FMS Questionnaire, participants will be required to submit the name and type of fuel(s) they are planning to use for their RHI installation. This can be done through the Ofgem RHI website. We will then review these fuels against the FMS Questionnaire the participant has provided and, as appropriate, approve these fuels for use in the installation.
- 4.64. The fuels submitted should mirror what has been provided on the FMS Questionnaire. Where a new fuel is to be used by the plant (e.g. the plant is proposing to use a fuel sourced from a different country to existing fuels), we should first be informed through the provision of a revised FMS Questionnaire. This may require the questionnaire to be updated solely with the new fuel being used, or new procedures may be required if the new fuel differs significantly from existing fuels. The new fuel should also be uploaded to the Ofgem RHI website for us to check against the FMS Questionnaire.
- 4.65. Periodic support payments can only be made once we have approved the fuel(s) that have been submitted for approval by the participant. We advise you to seek approval of fuels in advance of using them where possible in order to avoid subsequent problems should we have concerns over the suitability of the FMS for that fuel.

### **Submitting quarterly fuel data**

- 4.66. Each quarterly period, participants required to submit fuel data need to submit this alongside their quarterly meter readings. The same one month deadline applies for this data. This fuel data includes the quantity (e.g. in tonnes) of each fuel combusted and the contamination percentage and GCV of each of these fuels.
- 4.67. Where relevant, sustainability information should also be provided at the same time (see Chapter Six below for further details).

## Specific municipal waste fuel measurement criteria

### Fossil-fuel proportion of municipal waste

- 4.68. In certain circumstances, we are allowed under the Regulations to make an assumption about the biomass portion of a municipal waste stream upon receipt of satisfactory information published by certain bodies.<sup>18</sup> This is where information demonstrates that the fossil derived portion of the waste is unlikely to exceed 50 per cent (and that therefore the solid biomass proportion of municipal waste is at least 50 per cent). Upon receipt of this information we are able to assume that the fossil fuel portion of a municipal waste stream is 50 per cent.
- 4.69. In practice, this allows installations to base their FMS approach on the submission of published data<sup>19</sup>, rather than requiring regular sampling by the participant. In this case participants will need to gather the evidence they wish to draw upon in order to clearly demonstrate the fossil fuel derived energy content of the fuel. An example of this approach is shown in Table 4.
- 4.70. Where a participant wishes to claim credit for the renewable content of their municipal waste being greater than the 50 per cent assumed under the previous approach, they will need to propose FMS procedures that will demonstrate this. An example methodology that participants may wish to use is outlined below.

**Table 4:** Example methodology for plants seeking to demonstrate that the fossil fuel content of a municipal waste stream is not likely to exceed 50 per cent

Stage	Description
1	Extract a representative sample of the waste and identify the percentage contribution by weight of each of the primary categories within the stream, using a reliable data source to compile a list of primary categories.
2	Draw upon a reliable data source to apply an estimated GCV value to each primary category.
3	Multiply the weight and GCV values obtained for each primary category together.
4	Divide the value obtained at Stage 3 by the sum of the values obtained at Stage 3 and then multiply the resulting value by 100 for each fuel.
5	Draw upon a reliable data source to apply a biodegradable content to each of the primary categories within the fuel.
6	Multiply the values obtained at Stage 4 by the value obtained at Stage 5 for each primary category and sum the resulting value for each primary category to generate the overall qualifying percentage of the stream.

<sup>18</sup> Regulation 28 refers to information provided by 'an allocating authority, a waste disposal authority or a waste collection authority.'

<sup>19</sup> Participants may find it helpful to access the data available via the Waste Data Flow resource at <http://www.wastedataflow.org/home.aspx> when considering the use of data-based evidence.



4.71. An example of the use of this methodology is shown below:

Table 5: Municipal waste stream methodology example

Stage 1	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
Primary category	% Contribution by weight	Gross CV	Weight X GCV	% by GCV	Biodegradable content	Qualifying %
Paper and card	30	12.5	375	25.2	1	25.2
Textiles	70	15.9	1113	74.8	0.5	37.4
TOTALS	100	-	1488	100	-	62.6

### Processed municipal waste

- 4.72. Where a participant opts to separate and remove certain parts of a municipal waste stream (i.e. to process the waste) prior to using the remaining fuel for heat generation, the composition and energy content of final fuel will clearly change. This will call into question the reliability of published data used as part of a FMS regime (see paragraphs 4.67-4.68), where that data has been compiled based on waste received at the installation before processing takes place. These processes may have resulted in an increase to the fossil fuel derived proportion of the waste.
- 4.73. For example, a participant may decide to remove certain materials that are likely to have high biomass content so that these materials can be recycled, in which case the fossil derived content of the remaining waste stream will increase.
- 4.74. Where such a process has taken place, we would ask the participant to provide an explanation of the process and then for the participant to demonstrate that, in spite of the process taking place, the fossil fuel proportion of the waste is still unlikely to exceed 50 per cent.
- 4.75. For example, in the scenario outlined above where a participant has removed part of the waste stream for recycling purposes, we would ask the participant to calculate the energy content attributable to the biomass portion of the removed fraction as a percentage of the total energy content pre-processing. Participants are requested to keep relevant supporting evidence of their waste processing regime, for example, Waste Transfer notes or other documentation relating to waste streams which are separated and removed for recycling.
- 4.76. The participant should then deduct this percentage from the total percentage attributable to biomass pre-processing. This calculation will then provide the participant with the revised total percentage energy content attributable to biomass within the waste stream post-processing.

## Further evidence

- 4.77. In order to verify the proportion of solid biomass contained in municipal waste, the Regulations allow us to request that a participant either provides a sample of municipal waste used in an accredited installation or implements a sampling regime. The Regulations also give Ofgem the discretion to take account of sampling conducted on any gas or other substance produced as a result of the fuel being used<sup>20</sup>. We may also request a sampling regime as part of our auditing procedures. For further information on auditing please refer to Chapter 11 of this volume.
- 4.78. We can exercise our right to require sampling at any time but we will generally ask participants to implement sampling in the following scenarios:
- where a participant has not been able to provide sufficient data-based evidence to demonstrate that the fossil fuel content of a municipal waste stream (before or after it has undergone any process) is not likely to exceed 50 per cent, or
  - where a participant wishes to agree an FMS procedure for a municipal waste stream in the belief the fossil fuel content of the stream is less than 50 per cent. Please see Table 5 for an example methodology which participants may wish to use.
- 4.79. While participants can explore a range of options when designing their FMS procedures, they should bear in mind the key relevant requirement of the Regulations,<sup>21</sup> namely that the fossil fuel proportion in a waste stream must be determined according to the energy content of the fuel.

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<sup>20</sup> Regulations, Part 4, Chapter 1, Regulation 28 (8)

<sup>21</sup> Regulations, Part 4, Chapter 1, 28 (3)

## 5. Periodic Support Payments

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### Chapter summary

This chapter provides guidance on how we will calculate the periodic support payment which a participant is due in respect of a quarterly period, and how we will make periodic support payments. This chapter also outlines what actions by either you or Ofgem may impact on your payment schedule.

### Periodic Support Payments

- 5.1. RHI support will be delivered to participants in the form of quarterly periodic support payments (hereafter payments). These will be made over a number of years rather than as a single upfront payment. Payments will accrue from the accreditation date of an installation, or registration date for biomethane producers, and will be payable for 20 years.
- 5.2. The tariff levels for the different eligible technologies and the formulae to determine the payments have been set by the Government in the RHI regulations. Ofgem is responsible for making payments to RHI participants based on the payment calculations set out in those Regulations. More information on the policy underpinning the tariff levels can be found in the DECC RHI Policy document, available at [www.decc.gov.uk/RHI](http://www.decc.gov.uk/RHI).

### How payments are calculated

- 5.3. Once you are accredited under the RHI, a tariff level will be assigned for your installation based on the technology of the installation, and the size of the installation. If you are registered as a biomethane producer under the RHI, your payment calculation will be based on a separate formula. A table setting out the tariff structure for all eligible technologies under the RHI can be found in Appendix Two.
- 5.4. Payments for installations will broadly be calculated by multiplying the appropriate tariff, depending on the technology and size of the installation, by the amount of eligible heat generated in the relevant quarterly period. Payments for biomethane producers are based on the eligible volume of biomethane produced for injection in the period. We will determine how much eligible heat your installation has generated or the amount of biomethane you have produced from data which you will need to submit to Ofgem on a periodic basis ("periodic data").

### Calculation for Simple Systems

- 5.5. For installations classed as simple systems, the payment calculation is straightforward.<sup>22</sup>

*Payment = Tariff Level x Heat Generated by RHI Installation*

#### Worked Example: Simple system

System type: ground source heat pump, capacity 10 kWth

Tariff rate, determined by regulations: £0.045 (4.5 pence)

Data submitted to Ofgem: amount of heat generated in that quarter 6,570 kWth

Payment = Tariff level x Heat Generated by RHI Installation

= 0.045 x 6,570

= £295.65

- 5.6. In the case of biogas installations, the formula states that any heat delivered to the biogas production plant must be subtracted<sup>23</sup> from the heat produced figure before multiplying by the tariff rate.

### Calculation for Complex Systems

- 5.7. For installations classed as complex systems, the payment calculation involves more terms<sup>24</sup> – this is to take account of any ineligible plants which are connected to the heating system of which the accredited RHI installation forms part and of any ineligible heat uses served by the system. This ensures that only eligible heat attributable to the eligible installation is supported.

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<sup>22</sup> Regulations, Part 5, Regulation 38

<sup>23</sup> In the unlikely event that the heat delivered figure is greater than the heat produced figure, we would use a zero figure for the heat produced figure rather than having a negative payment

<sup>24</sup> Regulations, Part 5, Regulation 39

Worked Example: Complex system

System type: ground source heat pump, capacity 200 kWth

Tariff rate, determined by regulations: £0.032 (3.2 pence)

Data submitted to Ofgem:

- Amount of heat generated by RHI installation in that quarterly period: 160,000 kWth
- Total amount of heat generated by all installations on system: 340,000 kWth  
*(note: this implies a further 180,000 was generated by other ineligible plants in addition to the RHI installation)*
- All heat used on the system for eligible purposes: 290,000

Calculation:

$$\frac{160,000 \times 3.2}{100} = £4,367$$

*Complex System involving biogas*

- 5.8. For complex systems involving biogas, the formula needs to take account of the heat delivered to the biogas plant which produced the biogas combusted in the quarterly period.

- 5.9. There are additional elements to the payment calculation for some eligible technologies in particular circumstances. These additional calculation elements are explained below.

*Payment calculations: Two tier tariff for small and medium biomass*

- 5.10. A two tier tariff has been applied for small (<200kW) and medium (>200kW but <1MW) scale biomass installations. As set out in the DECC RHI Policy Document, the intention of these "tiered" tariffs is to reduce any incentive for participants to generate heat excessively or wastefully in order to receive higher payments.

- 5.11. This tariff structure operates on a 12 month basis, starting with the date of accreditation. The Regulations specify that during that 12 month period, an initial amount of heat generated by the installation up to the equivalent of 1,314 hours of an installation's installation capacity will be payable at the (higher) Tier 1 tariff. Any further heat generated during that 12 month period will be payable at the (lower) Tier 2 tariff. At the start of the next 12 month period, the initial amount of heat will again be payable at the higher Tier 1 tariff.

Worked example: Medium scale biomass, simple system

System type: Medium biomass boiler, capacity 400 kWth

Tariff rate, determined by regulations: Tier 1 - £0.049 (4.9 pence)  
Tier 2 - £0.02 (2.0 pence)

Tier threshold = 1,314 hours x 400 kWth = 525,600 kWh

*Quarter One*

Submitted data: amount of heat generated in quarter = 310,000 kWh

In this quarter the total heat generated is still below the tier threshold, so the Tier1 tariff applies to the entire output.

Payment = Tariff Level x Heat Generated by RHI Installation  
= 0.049 x 310,000  
= £15,190.00

*Quarter Two*

Submitted data: amount of heat generated in quarter = 290,000 kWh

Now we need to take account of the cumulative heat generated in this year:  
Cumulative heat: 310,000 + 290,000 = 600,000

This heat figure has now breached the Tier threshold, so we need to do two calculations, with the initial units at Tier1 and the subsequent ones at Tier2.

Initial units = threshold - output end last period = 525,600 - 310,000 = 215,600

Subsequent units = cumulative - threshold = 600,000 - 525,600 = 74,400

(As a check, compare the total of these two figures with original data for quarter:  
215,600 + 74,400 = 290,000 - which is correct)

Tier 1 Calculation: 0.049 x 215,600 = £10,564.40

Tier 2 calculation:  $0.02 \times 74,400 = \text{£}1,488.00$   
Combined total payment =  $\text{£} 12,052.40$

*Quarter Three*

Submitted data: amount of heat generated in quarter 300,000 kWh

Now that the threshold has been passed, all heat is payable at Tier2

Payment =  $0.02 \times 300,000 = \text{£}6,000$

Quarter Four would proceed on a similar basis to quarter three. But the next quarter would be the start of a new RHI year for that participant, and the cumulative total would be reset to zero with initial units in that year earning payments at the Tier 1 rate.

Worked Example: Medium scale biomass, complex system

System type: Medium biomass boiler, capacity 900 kWth

Tariff rate, determined by regulations: Tier 1 -  $\text{£}0.049$  (4.9 pence)  
Tier 2 -  $\text{£}0.02$  (2.0 pence)

Tier threshold =  $1,314 \text{ hours} \times 900 \text{ kWth} = 1,182,600 \text{ kWh}$

Quarter One Submitted data:

Heat Output from RHI Installation: 1,400,000 kWh

Heat Output from all installations on the system: 2,650,000 kWh  
(ie implies a further 1,250,000 kWh from other installations)

Eligible Heat Use on the system: 2,500,000 kWh

In this quarter the threshold has already been breached – so need to calculate amount at each tariff tier. Calculation of initial and subsequent heat must be based on heat generated by RHI installation (not total eligible heat on system).

Initial heat generated by RHI Installation = 1,182,600 kWh

Subsequent heat generated by RHI Installation = Total this quarter – threshold =  
217,400

Calculation:

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Tier 1:	_____
=	54,667.36
Tier 2:	_____
=	4,101.89
Total =	54,667.36 + 4,101.89 = £ 48,769.25

*Payment calculations: Solid biomass installations sized 1MW and above and municipal waste plants*

- 5.12. For this scale of biomass plant, when contaminated biomass and/or ancillary fossil fuel is used, a 'qualifying percentage' or 'renewable percentage' of the fuel input needs to be calculated. This is referred to as 'pro rating' in the Regulations.
- 5.13. For details on how the energy content of the contamination can be measured, please see the 'Fuel Measurement and Sampling' section in Chapter Four of this volume.
- 5.14. The non-biomass portion of this qualifying percentage is then deducted from the payment made. So if for example the qualifying percentage is 88 per cent, the payment is multiplied by this percentage/ fraction to give a payment figure that has been adjusted for fossil fuel.
- 5.15. For an example of how the renewable percentage is calculated each quarterly period, see Table 2 in Chapter Four of this volume.

*Payment calculation: Gasification / pyrolysis installations*

- 5.16. Where the participant has declared upfront that feedstock contaminated with fossil fuel will be used in the accredited installation, the tariff payment is 'pro rated' to deduct the fossil fuel contamination in the feedstock.
- 5.17. Therefore the "renewable" percentage of the feedstock (i.e. 1 – contamination %) going into a gasification plant is multiplied by the payment each quarter to determine the final payment. For example, where the contamination percentage is 25 per cent, the payment would be multiplied by 75 per cent to determine the final payment.
- 5.18. No account is taken of any fossil fuel used for permitted ancillary purposes at the heat generating plant.



*Payments for biomethane producers*

- 5.19. Registered producers of biomethane have a separate payment calculation formula because heat is not generated in the biomethane injection process. Please see the tariff table at Appendix 2 to view the tariff rate applicable to biomethane producers.
- 5.20. To calculate how much biomethane producers should be paid each quarterly period, five elements of data will be required. These elements are:
- 1) The volume and gross calorific value (GCV) of biomethane injected into the gas network
  - 2) The GCV and volume of propane that was contained in the biomethane
  - 3) Any heat supplied to the biomethane production process
  - 4) Any heat supplied to the biogas production plant from an 'external' source (i.e. any source other than from the combustion of the biogas)
  - 5) The contamination percentage (where the biomethane has been produced from contaminated feedstock that has gone through a gasification or pyrolysis conversion process). This figure will be deducted from 100 per cent to give the 'proportion of biomass contained in the feedstock' which is part of the payment calculation for biomethane producers.
- 5.21. Once registered, biomethane producers will be required to submit the above information regularly as periodic data. The payment due to a biomethane producer will be calculated by subtracting Items 2-4 in the above list from Item 1. This is then multiplied by the proportion of biomass contained in the feedstock.
- 5.22. Please see Chapter Nine for further information.

**From what date do payments begin to accrue?**

- 5.23. Payments are payable based on quarterly periods as calculated from the date of the accreditation of the eligible installation, or from the date of registration for biomethane producers. For example, if an installation was accredited or a biomethane producer registered on 25 January 2012, then the first quarterly period would be considered to run from 25 January 2012 - 24 April 2012. You will be advised of your payment schedule in a notice from Ofgem once your installation becomes accredited, or once you become a registered biomethane producer.

- 5.24. Payments will cease after a fixed period of 20 years from the date of accreditation for your installation, or from the date of registration for biomethane producers.

*Index-linking of tariffs*

- 5.25. The table of RHI tariffs will be updated on an annual basis, with the updated rates commencing on 1 April and ending on 31 March of the following year. The tariff for your installation will be adjusted by the percentage increase or decrease in the UK Retail Price Index (RPI)<sup>25</sup> for the previous calendar year (the resulting figure being rounded to the tenth of a penny, with any twentieth of a penny being rounded upwards).
- 5.26. Where your quarterly period falls over two applicable tariff years (with part of the period falling before the RPI adjustment and part after the adjustment) then your quarterly payment will be calculated on a pro rata basis. Your payment will be calculated based on the number of days before and after the RPI adjustment on 1 April, and the appropriate tariffs which apply before and after that adjustment.

**How the installation of additional plant or changes to the installation may affect your tariff rate**

- 5.27. If you install additional equipment or alter an existing accredited installation, any change to the applicable tariff will only apply once we have accredited and approved the additional equipment or alteration to the installation. For further details see Chapter Seven of this volume.
- 5.28. If the additional equipment is installed within 12 months of the original equipment accreditation date then the tariff for the original installation would apply to the total capacity of the updated installation (except where the combined capacity exceeds the tariff threshold). The total payment period would also remain the same as the original equipment accreditation date. If the installation of additional equipment takes the combined capacity over a tariff threshold then the new tariff for the larger capacity will apply.
- 5.29. If the additional equipment is installed 12 months after the original equipment accreditation date, then the additional equipment would be metered separately, and have its own accreditation date. The applicable tariff for the additional equipment would be based on the total capacity of the system (the capacity of the original installation and the additional equipment combined). Payments for the additional equipment will be made over a period of 20 years from the accreditation date of that equipment.

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<sup>25</sup> For further information on the RPI, please see the Office of National Statistics website:  
<http://www.statistics.gov.uk/default.asp>

## **What actions may impact on your payment schedule**

5.30. Please note that we will not make payments to you until:

- we are satisfied that the information given by the Authorised Signatory is accurate and the installation meets the necessary requirements of the RHI scheme
- the installation has approved meters in place and these are fully functional
- we have approved the accreditation of the installation and you have received confirmation of accreditation from us.

5.31. We will calculate the amount owed to you for a quarterly period once you have submitted all the required periodic data (for further details see Chapter Three of this volume), and we have determined the amount of eligible heat generated by your installation (or, for biomethane producers, the eligible volume of biomethane produced).

5.32. We will review your periodic data submission and determine the amount of eligible heat generated for that quarterly period. We will then calculate the amount payable to you for the quarter as determined by your tariff, taking into account any additional debits, credits or deductions applicable to the payment (for example, due to previous overpayments or as a result of any sanctions which may have been imposed). Ofgem is not liable for any delays to payments however they have been caused and will not pay interest on any payments which may have been so delayed.

5.33. If your periodic data is submitted to Ofgem more than one month after the conclusion of the relevant quarterly period end, then your payment for that quarterly period is at Ofgem's discretion. If there are exceptional circumstances as to why you have submitted your required periodic data after the due date, you will need to provide supporting evidence for your claim. For further details, please see the 'Late data' section in Chapter Three of this volume.

5.34. We may raise a query on your periodic data submission and/or carry out an audit of your system. As a result of this review we may adjust the payment you are due or adjust the previous quarter's payment calculations. If you disagree with our decision on this matter then you may lodge a complaint with Ofgem or request a review of our decision. For further details see Chapter 12 of this volume.

## **Adjustments to periodic support payments**

5.35. We will amend the quarterly payment due to you for the quarterly period if there has been:

- an over-payment/s in (a) previous quarter/s
- an underpayment in (a) previous quarter/s
- if an error has been made
- if your payment is subject to a sanction (For further details see Chapter 10 of this volume).

5.36. If we are concerned that the conditions of the scheme are not being complied with may apply a formal sanction, which could include:

- the suspension or withholding of a payment
- the revocation of accreditation or registration under the RHI scheme.

For further details on compliance, please see Chapter 10 of this volume.

### **Nominated bank account**

5.37. We will pay the amount you are due to your nominated bank account by BACS transfer. Please note that it is a requirement of the RHI that the bank account you nominate to receive your payments be an account which accepts pound sterling deposits in the United Kingdom. Failure to nominate a suitable account may result in your payment being delayed until a bank account which meets the requirements of the RHI is provided to Ofgem.

5.38. It will be a condition of accreditation that only one bank account will be allowed for each RHI participant. Where a participant has more than one accredited installation under the scheme, then payments for all of the installations will be made to the nominated bank account.

### **Tariff lifetime in the circumstance of a change in ownership of an accredited installation**

5.39. Please note that where an accredited installation is sold or transferred to a new owner, the new owner can only receive payments for the remaining period of the original tariff lifetime. For example, if an installation is sold five years and four months after being accredited to the RHI, then the new owner will be eligible to receive payments for the remaining fourteen years and eight months of the tariff lifetime.

5.40. For full details on requirements in the circumstance of a change in ownership of an accredited installation, please see Chapter Eight of this volume.

## 6. Biomass Sustainability Reporting

### Chapter summary

This chapter explains the requirements for biomass sustainability reporting for participants with solid biomass installations of 1MW and above or who are biomethane producers.

### What is Sustainability Reporting?

- 6.1. Schedule 2 of the Regulations requires participants using solid biomass in installations with an installation capacity of 1MW and above and biomethane producers to provide us with quarterly reports on sustainability of fuel and feedstock.
- 6.2. The information required is outlined in Table 6 below. This is required for each fuel consignment used.

Table 6: Information required for sustainability reporting

Element	Detail	Example
Biomass Type	The material from which the biomass was composed e.g. wood	Wood
Biomass Form	Whether the biomass can take different forms e.g. wood chips or wood pellets, the form of the biomass	Wood pellets
Mass	Where the biomass is solid in its mass	Numeric figure
By-product	Whether the biomass was a by-product of a process.	By-product of the paper production process
Biomass derived from waste	Whether the biomass was waste	n/a
Country of origin	Where the biomass was plant matter or derived from plant matter, the country where the plant matter was grown	Spain
Country of purchase	Where the information specified in the row above is unknown or the biomass was not plant matter or derived from plant matter, the country from which the participant obtained the biomass.	Germany

Energy crop including types and proportions	Whether any of the consignment was an energy crop or derived from an energy crop and, if so: <ul style="list-style-type: none"> <li>• the proportion of the consignment which was an energy crop.</li> <li>• the type of energy crop contained in the consignment.</li> </ul>	n/a
Environmental quality assurance schemes	Whether the biomass or any matter from which it was derived was certified under an environmental quality assurance scheme and, if so, the name of the scheme.	UK Forestry Standard/UK Woodland Assurance Standard (UKWAS)
Land use	Where the biomass was plant matter or derived from plant matter, the use of the land on which the plant matter was grown since 30 <sup>th</sup> November 2005.	Used for forestry purposes

### **When and how to submit the Sustainability Information**

- 6.3. You will be required to report on sustainability information on a quarterly basis, alongside your periodic data. The information provided should be accurate to the best of your knowledge and belief.
- 6.4. Sustainability information is also required from participants who are not using fossil fuel or contamination in their installation.
- 6.5. Sustainability information should be provided via the Ofgem RHI website.

### **Information that is not available**

- 6.6. Participants are required to provide us with all the information listed in Schedule 2 of the Regulations. However, in particular circumstances, there may be information required by Schedule 2 which is not available to the participant. In such circumstances, please contact us to explain why the relevant data is not available. We shall then consider whether we are able to agree that the submission of the relevant piece of information is not required.

### **Ofgem publication of Sustainability Information**

- 6.7. As part of Ofgem’s reporting obligations under the Regulations Ofgem will publish sustainability information in aggregate form, on a quarterly and annual basis, on the Ofgem website. We will share all the information with DECC.

## **Audits**

- 6.8. Participants should be aware that Ofgem may wish to conduct an audit of the sustainability reporting information provided. Participants should therefore ensure that any information relevant to the sustainability reporting criteria is available on request to an audit team. For further information on our audit procedures, please refer to Chapter 11 of this volume.
  
- 6.9. You should be aware that while the current requirement is merely to report on the sustainability of fuels, the Government has stated that they will look to consult on the possible introduction of mandatory sustainability criteria for biomass from 2013 onwards as part of any changes to be made to the RHI from 2012.

## 7. Treatment of additional capacity

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### Chapter summary

This chapter provides guidance on how the addition of capacity or a plant to an existing RHI installation or to a heating system of which an RHI installation forms part will be treated.

### Additional Capacity

- 7.1. If any renewable or fossil fuelled plant is added to an accredited RHI installation or to a heating system of which the accredited RHI installation forms part, Ofgem must be notified, irrespective of whether a participant wishes to apply for accreditation on that plant (see Chapter 2 of this volume). The treatment of a plant which has been so added will depend on whether the plant constitutes 'additional RHI capacity'.
- 7.2. The Regulations state that additional capacity means a plant which is first commissioned after the date on which the original RHI installation was commissioned. The plant must use the same source of energy and technology and must supply heat to the same heating system as the original RHI installation.<sup>26</sup>
- 7.3. In practice, this means, for example, that if a participant with an RHI-accredited ground source heat pump installed another ground source heat pump supplying heat to the same heating system, the second heat pump would be considered additional RHI capacity. This is regardless of whether the participant wished to apply for RHI support on the second heat pump, although the additional RHI capacity will only be accredited if the owner applies for accreditation.
- 7.4. A participant may install a heat generating plant which uses a different technology or source of energy than an existing RHI accredited installation and connect it to the same heating system as the RHI accredited installation. For example, if a participant installs a solar collector which feeds into the same heating system as their RHI-accredited biomass boiler, the solar collector would be considered as a new plant (and as a separate installation for RHI purposes). Ofgem only treats a plant which is the same technology connected to the same heating system as 'additional RHI capacity'. A participant could apply for support for the new plant via an application for accreditation for a new installation if they wish to. However, whether or not

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<sup>26</sup> Regulations, Part 6, Regulation 43(2)



the participant wishes to seek such accreditation, he must still notify us of the addition of the new plant.

- 7.5. Increasing the capacity of a biomethane plant is not considered to be the installation of 'additional capacity'. If a participant increases the flow rate of their biomethane production plant, they must amend their registration details to reflect the updated flow rate, not apply for additional capacity. Amending the flow rate is sufficient for notifying us of the increase in production.

### **When to inform us of installing additional capacity or plant**

- 7.6. As specified in the Regulations, participants must inform us of installing additional capacity or new plant within 28 days of the first commissioning date (for additional RHI capacity) or within 28 days of the 'addition' (for a new plant), regardless of whether or not they intend to apply for RHI support on the additional RHI capacity or plant. In the case of a new plant, we are interpreting 'addition' to mean that participants must inform us within 28 days of first commissioning the additional plant.
- 7.7. If a participant fails to notify us of a new plant or capacity within 28 days, appropriate enforcement action may be taken. For further information, please see Chapter 10 of this volume.

### **What may change if you install additional capacity or plant**

- 7.8. Participants must make sure that the original accredited RHI installation continues to comply with all appropriate RHI eligibility requirements when additional RHI capacity has been added (whether or not accreditation has been applied for in respect of the additional RHI capacity). For example, the additional RHI capacity could affect the metering arrangements required for the original accredited RHI installation. Please refer to Volume One, Chapter Seven, 'Metering eligibility requirements' to see if the additional capacity affects the metering arrangements of the original installation.
- 7.9. Where a participant wishes to apply for accreditation on additional RHI capacity which is first commissioned within 12 months of the date of commissioning of the original RHI installation, Ofgem will treat the additional RHI capacity as one installation. Therefore, the participant will also need to comply with eligibility criteria which will apply in respect of this combined installation (see paragraphs 7.23-7.26 below). For example, if the additional RHI capacity (which is added within 12 months) takes the combined installation capacity above 1MWth, participants will need to provide an 'Independent Report on Metering Arrangements' as part of the accreditation application process. Please refer to the 'Independent Report on metering arrangements' in Chapter Seven of Volume One of this guidance for further details on this report.

- 7.10. Participants must similarly ensure that the original RHI accredited installation still complies with all the appropriate eligibility requirements when an additional plant (which is not 'additional RHI capacity') has been added. The most common eligibility requirements that will be affected by an additional plant will be the metering arrangements. Further information about these can be found in Volume One, Chapter Seven, 'Metering eligibility requirements.'

### **How to inform us**

- 7.11. Participants can let us know they have installed additional capacity or plant online through their Ofgem RHI website user account, by email or by post.

### **Information that will need to be provided**

*If applying for RHI support on the additional capacity or plant*

- 7.12. RHI participants wishing to receive support for additional RHI capacity or an additional plant must apply to Ofgem for accreditation. We will assess the eligibility of the additional capacity or plant before deciding if we can accredit it. We will also make additional checks to verify how it interacts with the original accredited RHI installation.
- 7.13. The eligibility criteria which Ofgem will apply in considering whether to accredit additional RHI capacity will depend on the date of first commissioning of the relevant additional capacity. Additional RHI capacity which is first commissioned within 12 months of the date of commissioning of the original installation and treated by Ofgem as one installation with the original RHI installation must meet the eligibility criteria which are relevant to the combined installation (see this requirement also in relation to the original RHI installation in paragraph 7.9 above). This does not apply to additional capacity first commissioned more than 12 months after the original installation was first commissioned which is treated as a separate installation for the purposes of determining eligibility criteria for accreditation, except in respect to:
- the tariff rate which will apply to this additional capacity (which will be based on the combined capacity of the new capacity and the original installation) and
  - the application of installation capacity limits for solar and biogas installations across both the original RHI installation and the additional RHI capacity.

These exceptions are explained in more detail later in this Chapter.

- 7.14. An additional plant which uses a different eligible energy source to the original accredited RHI installation is treated as a new installation for the purposes of determining the relevant eligibility criteria.

- 7.15. We will require the information outlined in the Schedule 1 of the Regulations to be submitted as part of the application for accreditation of additional capacity (irrespective of when this was commissioned) or a new plant. We will also require an updated schematic diagram illustrating the metering arrangements and location of the original accredited RHI installation and the additional capacity or plant.
- 7.16. The additional RHI capacity must be metered separately to the original accredited RHI installation. A new plant which is an eligible installation for which accreditation is sought must also be individually metered. For further information about metering requirements, see Volume One, Chapter Seven, 'Metering eligibility requirements'.

*If not applying for RHI support on the additional capacity or plant*

- 7.17. If the participant does not want to apply for RHI support on the additional capacity or plant, they still must provide us with information explaining how the additional capacity or plant interacts with the original accredited RHI installation and the relevant heating system so we can determine whether the original accredited RHI installation still meets the eligibility criteria.
- 7.18. We will require information on the technology type, capacity, and commissioning date of the additional capacity or plant. In addition to this, participants will need to provide an updated **schematic diagram** showing any changes to metering arrangements, if applicable. Further information about schematic diagrams is in Section 'Schematic diagram' in Volume One, Chapter Seven of this guidance.
- 7.19. In accordance with the regulations, additional capacity for which accreditation is not sought still needs to be individually metered. An ineligible plant or a plant for which accreditation is not sought may need to be individually metered, depending on its position in the heating system of which the original RHI installation forms part. For further information on metering requirements see Volume One, Chapter Seven, 'Metering eligibility requirements'

**What happens next?**

- 7.20. Ofgem will review the original accredited RHI installation's accreditation (as well as the additional capacity or plant if applied for) in order to determine if the additional capacity or plant has affected the original RHI installation's eligibility.
- 7.21. If we find that the additional capacity or additional plant (that the participant has applied for support for) is not eligible for RHI support, the original accredited RHI installation will remain accredited as long as its eligibility is not affected by the additional capacity or plant.

- 7.22. If we have reasonable grounds to suspect the original accredited RHI installation is no longer eligible following the installation of additional capacity or plant, we may temporarily withhold payments in order to investigate the issue further (more information on temporary withholding of payments is available in Chapter 10 of this volume). For example, if a participant with an RHI accredited heat pump later installed a biomass boiler, and used a single hot water meter to measure the heat generated by both installations, the original accredited RHI installation (the heat pump in this case) would be ineligible. This is because the metering arrangements would no longer comply with RHI requirements (separate metering is required for installations using a different energy source). For further information about metering requirements, see Volume One, Chapter Seven, 'Metering eligibility requirements'.

**Additional capacity that takes the eligible installation above the biogas or solar thermal upper limit**

- 7.23. Biogas and solar thermal installations of 200kWth and above are not eligible for RHI support. Where additional RHI capacity which is first commissioned within 12 months of the date of first commissioning of the original RHI installation is added to an existing RHI accredited biogas or solar thermal installation, as long as the combined installation capacity remains below 200kWth, the additional capacity will be eligible to be accredited and the combined installation will continue to receive RHI support provided the installation meets all other eligibility requirements (see below).
- 7.24. For example, if a participant installs a 75kWth solar thermal collector on the same system as an RHI accredited 100kWth solar thermal installation, the second solar thermal installation (additional RHI capacity) would be eligible for RHI support, provided it met all other eligibility requirements. This is because the combined installation capacity for solar thermal on that system remains below 200kWth.
- 7.25. However, if a 150kWth biogas plant is accredited, and another 150kWth biogas plant is later connected to the same heating system, the additional RHI capacity would not be eligible for accreditation. This is because if it was accredited it would bring the combined installation capacity for the installation over the upper limit. Accordingly, the entire installation capacity of the additional RHI capacity would be ineligible for RHI support. The first boiler will remain eligible for RHI support provided it continues to meet all requirements.
- 7.26. Where additional RHI capacity which is first commissioned more than 12 months after the date of first commissioning of the original RHI installation is added, this additional RHI capacity may only be accredited as a separate RHI installation where the installation capacity of the original RHI installation, combined with that all other 'related plants' is below the upper installation

capacity limit<sup>27</sup>. A 'related' plant is 'any plant for which an application for accreditation has been made (whether or not it has been accredited) which uses the same source of energy and technology and forms part of the same heating system' (that is, all additional RHI capacity which has been first commissioned more than 12 months after the date of first commissioning of the original RHI installation (including both the most recent additional RHI capacity and any previous additional RHI capacity so added)). Where an application for accreditation for additional RHI capacity would cause this limit to be breached, Ofgem will decline to accredit the additional RHI capacity (resulting in the entire installation capacity of the additional RHI capacity being ineligible for RHI support). This is because accrediting this additional RHI capacity would cause the original RHI installation to fall within the definition of 'excluded plants' and its accreditation would be subject to immediate revocation. On refusal to accredit the additional RHI capacity, the original RHI installation may continue to be accredited provided it continues to meet all requirements.

### **Determining the tariff for additional capacity first commissioned within 12 months of the previous installation**

- 7.27. Where additional RHI capacity is first commissioned within 12 months of the first commissioning date of the original accredited RHI installation, the tariff for the new installation (i.e. original accredited RHI installation + additional RHI capacity) will be based on the combined installation capacity of the original accredited RHI installation and the additional RHI capacity.
- 7.28. The tariff for that installation capacity as at the date of accreditation of the original accredited RHI installation will apply to the whole installation, and the tariff will terminate on the tariff end date of the original accredited RHI installation.

### **Determining the tariff for additional capacity first commissioned 12 months or more after the previous installation**

- 7.29. Where additional RHI capacity is first commissioned more than 12 months after the commissioning date of the original accredited RHI installation, the original accredited RHI installation will continue to receive the same tariff and have the same lifetime as when it was accredited.
- 7.30. The tariff that is applicable for the additional RHI capacity will be determined on the basis of the combined capacity of the original accredited RHI installation and the additional capacity<sup>28</sup>. It will be based on the tariff that is applicable on the date of accreditation of the additional capacity. The tariff lifetime will apply from the date of accreditation of the additional capacity.

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<sup>27</sup> Regulations, Part 2, Chapter 2, Regulation 15(1)(c)

<sup>28</sup> Regulations, Part 5, Regulation 37(6).

7.31. The table below illustrates the example above where additional capacity is first commissioned more than 12 months after the original accredited RHI installation was first commissioned.

Table 7: Illustrative example of support for additional capacity

	<b>Year first commissioned</b>	<b>Capacity</b>	<b>Tariff</b>	<b>Lifetime</b>
<b>Biomass boiler 1</b>	2012	600kWth	600kWth tariff in 2012	20 years from 2012
<b>Biomass boiler 2</b>	2014	600kWth	1200kWth tariff in 2014	20 years from 2014

*Additional plant: Tariff, lifetime and specific metering requirements*

***Determining the tariff for an additional eligible plant***

7.32. Where an additional plant which uses a different technology or source of energy is added to an original accredited RHI installation, (e.g. a biomass boiler is installed on the same heating system as an RHI accredited heat pump) and is accredited to the RHI, this plant is treated as a separate installation. The tariff and tariff lifetime are based on the additional plant's capacity and first commissioning date only (i.e. the original accredited RHI installation capacity does not count towards capacity of the additional plant). This is because an additional plant by definition uses a different energy source to the original accredited RHI installation and therefore is treated as a separate installation with its own tariff.

7.33. The additional plant must be separately metered from the original accredited RHI installation in order to determine the contribution of the respective renewable technologies as they will each be treated as separate installations with their own metering requirements.

## 8. Change in ownership of an RHI accredited installation

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### Chapter Summary

This chapter explains how Ofgem will manage a change in ownership of all or part of an accredited RHI installation.

- 8.1. The Regulations allow for the ownership of an installation, or part of an installation, to be transferred. This means that if you are the existing owner of an accredited RHI installation and wish to sell or transfer all or part of the installation, the new owner will be able to assume entitlement to payments under the RHI provided the conditions below are satisfied.
- 8.2. Where all or part of an accredited installation is bought by or transferred to a new owner, the current scheme participant (outgoing owner) ceases to be entitled to payments for the transferred portion from the date of transfer of ownership. The new owner may apply to receive RHI support on their acquired portion for the remaining eligibility period of the installation. This is provided that all eligibility criteria are still being met and that we are satisfied that the new owner will comply with the ongoing obligations required under the scheme.
- 8.3. In order for a new owner to begin receiving payments for all or part of an installation which was accredited under previous ownership, the following steps need to be completed:
  - the current scheme participant (outgoing owner) needs to inform us in writing that ownership is being transferred to a new owner
  - the prospective participant (new, incoming owner) will need to contact us in order to become eligible as a participant. Once we are satisfied the new owner will comply with the ongoing obligations of the scheme, we will update our register to reflect that the new owner is now the scheme participant for that installation and
  - if the current scheme participant (outgoing owner) is unable to provide us with notification of a change in ownership, we may request further information from the new owner to be satisfied that a change in ownership has occurred.
- 8.4. We need to be notified by the outgoing owner of the change in ownership of an accredited installation within 28 days of the date of the change. If an outgoing owner fails to notify us of a change in ownership within 28 days, he

will be in breach of his ongoing obligations and we may take enforcement action against him. However, as any such delay or failure by an outgoing owner may impact on the time taken for entitlement to payments to be transferred to a new owner, a prospective owner may wish to consider including an obligation on the outgoing owner to complete the required notification in any transfer documentation.

- 8.5. Payments for the old owner on the transferred portion of an installation will cease on the date of transfer of ownership. This is because eligibility for the RHI is based on ownership of the relevant installation. Payments for the new owner will only accrue from the date of completion by the new owner of the formalities required to demonstrate his/her entitlement and will not be back-dated to the date of transfer. For example, if the installation is sold in January 2012 but the new owner does not notify Ofgem and become accredited until June 2012, then payments for the new participant will only begin to accrue from June for the remainder of the installation's tariff lifetime from its original accreditation date. It is therefore in the interests of the new owner of the installation to notify Ofgem of the transfer of ownership and to provide requested information and agree to the conditions of the scheme as soon as possible.
- 8.6. If you are the incoming owner of an installation and an outgoing owner has failed to notify Ofgem of a change of ownership, you should contact us as soon as possible (but in any event within 12 months of the change in ownership date – see below). We shall take a pragmatic approach to allowing an incoming owner to instigate the process for transferring entitlement to RHI payments where a failure to notify by an outgoing owner cannot be easily rectified. However, we may ask you to supply evidence of ownership (in addition to any other information which we may require under the Regulations in order to enter you into the Ofgem RHI website or to review the eligibility of your installation). This may delay your entitlement to payments.
- 8.7. Please note that where only part of an installation has had its ownership transferred, we require that only one of the owners, the 'representative owner', be regarded as the participant for that installation for the purposes of the RHI<sup>29</sup>. For further information regarding representative owners, please refer to Volume One, Chapter 2, of the Guidance. The representative owner is required to ensure compliance with all ongoing obligations of the scheme. Where there is a change of ownership of part of an installation, we may require that the representative owner provides us with evidence that he has authority from the new owner to be the participant for the purposes of the scheme.
- 8.8. A notification of a change of ownership of an installation must be made to Ofgem and the new owner entered as a participant within 12 months of the

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<sup>29</sup> Regulations, Part 3, Regulation 24(8)



change in ownership occurring. After this period the installation will no longer be accredited and no further payments will be made<sup>30</sup>. An application for the same installation to rejoin the scheme at a later date would not be accepted.

- 8.9. We may extend the period within which we need to be notified of the change in ownership if we consider there are exceptional circumstances which are relevant.
- 8.10. Any attempts to continue to receive payments for an accredited installation while no longer in ownership of the installation could constitute fraud and will be dealt with accordingly. Please see Chapter 10 for further information on our approach to fraud.

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<sup>30</sup> Regulations, Part 3, Regulation 24(5)

## 9. Ongoing scheme obligations for biomethane producers

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### Chapter summary

This chapter outlines the ongoing obligations for registered biomethane producers.

### Ongoing biomethane obligations

9.1. Participants that are biomethane producers are subject to many of the same ongoing obligations as owners of biomass and biogas plants and should therefore pay careful note to other sections of this volume (for example, fuelling requirements and sustainability reporting). This Chapter is designed to cover ongoing obligations relating only to biomethane producers.

#### Propane

9.2. Biomethane may require the addition of propane to bring it to the required quality (calorific value) to inject on to the gas network. The energy content of the propane used within each quarterly period (based on the GCV and volume) must be measured and submitted as part of periodic data. We will then take this into account in the payment calculation.

9.3. Depending on the specifics of your application for registration, we may require more frequent collection of propane and other data (e.g. monthly). This more frequent verification is to help us ensure the accurate provision of data. As discussed in Chapter Four, 'Ongoing fuel eligibility requirements', we will also require the submission of an FMS Questionnaire, which includes setting out how the participant intends to measure the propane which has been added to the biomethane.

#### Use of contaminated feedstocks

9.4. The energy content of any contamination in the biomass feedstocks used to produce the gas (where the gas is produced from gasification or pyrolysis) is also deducted. We will agree how this is to be measured as part of the FMS procedures outlined in Chapter Four.

#### Heat use for biogas production

9.5. As with accredited biogas installations, any heat used to produce the biogas for biomethane (e.g. from another renewable source, or from fossil fuel) must

be measured and submitted to us each quarter, so that we can take account of it in the periodic support calculation. Heat from the combustion of biogas, or waste heat from a biogas engine, is not included in this because this gas has clearly not been transferred onto the grid and received RHI. Heat meters must meet the requirements outlined in Volume One, Chapter Seven, 'Metering eligibility requirements'.

### **Entering periodic data on the Ofgem RHI Website**

- 9.6. We ask participants to enter certain information on to Ofgem RHI website within the deadline for periodic data submissions. Any data or calculations that produce the figures should also be emailed to us each quarter.
- 9.7. This information is:
- the volume (in cubic metres) and Gross Calorific Value (in mega joules per cubic metre) of biomethane injected into the gas network (this should be adjusted to standard temperature and pressure at 15°C and 1.01325 bar) (giving a figure in kWh)
  - the GCV and volume of propane that was contained in the biomethane (again at standard temperature and pressure) (giving a figure in kWh)
  - any heat supplied to the biomethane production process (in kWhth)
  - any heat supplied to the biogas production plant from an external source (i.e. any source other than heat generated from the combustion of the biogas) (in kWhth)
  - the contamination percentage (where the biomethane has been produced from contaminated feedstock that has gone through a gasification or pyrolysis conversion process). This figure will be deducted from 100 per cent to give the solid biomass proportion of the feedstock (e.g. a 5 per cent contamination percentage will give a solid biomass proportion of 95 per cent).
- 9.8. This information is used to calculate the payment due based on the Regulations<sup>31</sup> (see Chapter Five of this volume).

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<sup>31</sup> Regulations Part 5, Regulation 42

## 10. Compliance and enforcement powers

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### Chapter summary

This chapter outlines Ofgem's approach to ensuring compliance with conditions of the RHI scheme, including our enforcement powers and procedural approach to non-compliance.

### Compliance with the scheme and enforcement

- 10.1. The Regulations set out the eligibility criteria and on-going obligations that must be complied with in order to receive RHI payments.
- 10.2. We have also provided resources to assist participants in complying with their obligations under the scheme. These include the publication of this Guidance, hosting of a series of stakeholder engagement activities and the provision of the RHI helpdesk facility, which will deal with queries relating to eligibility requirements, payments and Ofgem's administrative functions under the scheme.
- 10.3. As administrator of the RHI scheme, Ofgem has put in place an application process, together with a system of internal checks and review procedures, which aims to ensure that only installations and producers of biomethane that meet the eligibility criteria are accredited or registered, and that these participants receive the correct levels of support as set out in the Regulations. Where we suspect that participants may be failing to comply with ongoing obligations, we will take steps to determine the facts. In the first instance, we will generally contact a participant to request further information, clarifications or relevant evidence. This should be sufficient, in the majority of cases, to establish whether a participant is in compliance. However, if we are not satisfied with the outcomes of our initial enquiries, we may undertake an inspection or, if we have reasonable grounds to suspect that a participant has failed or is failing to comply with his ongoing obligations under the scheme, instigate a formal investigation (see below).
- 10.4. Once we are satisfied that we are in possession of the relevant facts of a case, we will decide what further action, if any, may be appropriate to deal with the matter. Our approach may include confirming that a participant is in compliance, contacting the participant informally to advise them of any non-compliance and advising them of what they should do to rectify the situation, or exercising one or more of the range of enforcement actions that are available to us under the Regulations.

- 10.5. In deciding whether to take enforcement action, we will take into consideration all the circumstances surrounding the non-compliance, which may include, for example,
- Seriousness of the non-compliance and the duration.
  - Whether the participant voluntarily reported the non-compliance.
  - Reasons why the non-compliance occurred and any mitigating circumstances.
  - Whether there is a history of non-compliance by the participant.
  - Whether the participant has gained financially through the non-compliance.
  - The conduct of the participant after the non-compliance has been discovered.
- 10.6. The range of enforcement actions that we may exercise under the Regulations and examples of how these might be applied, are described in the rest of this chapter.

**Temporarily withhold periodic support payments to investigate alleged non-compliance<sup>32</sup>**

- 10.7. If we have reasonable grounds to suspect that a participant has failed or is failing to comply with his ongoing obligations under the scheme, and we have been unable to resolve the matter through informal enquiries, we may conduct an investigation to ascertain the full facts of a case. In this case, we have the power to temporarily withhold all or part of a participant's periodic support payments until such time as the investigation is concluded (up to a maximum of six months from the date that such payments were withheld).
- 10.8. Where we have applied this sanction, payments will continue to accrue but will not be paid to the participant whilst we are still investigating (subject to 10.15 below).
- 10.9. Examples of when we may decide to withhold payments while an investigation continues may include (but are not limited to): instances where we have reason to consider that information provided in an application for accreditation or registration was incorrect, where the participant may no longer own the relevant installation or where output capacity may have been overstated.
- 10.10. If we do temporarily withhold periodic support payments, we will notify participants within 21 days of making that decision and will let them know:

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<sup>32</sup> Regulations, Part 7, Regulation 44

- the reason we suspect they are failing or failed to comply with the rules of the scheme
  - the reason why we are temporarily withholding payments, the date from which payments will be withheld and the next steps in the investigation process
  - details of their right to request a review of our decision.
- 10.11. We will provide to the participant, at 30-day intervals, an update on the progress of the investigation including whether or not we will continue to temporarily withhold their payments.
- 10.12. We will aim to conduct investigations in a timely manner and will not temporarily withhold a participant's periodic support payments for longer than six months. However, if a participant delays in providing information that we request during our investigation by more than two weeks from the date which we requested it, the period of such delay will not count towards the six-month time limit.
- 10.13. Upon conclusion of an investigation, or after, six months, whichever is the earlier, we will notify the participant of the outcome of the investigation or, if the investigation is not concluded, inform them accordingly.
- 10.14. Where an investigation has been concluded within six months and we are satisfied that the participant was in (or has resumed) compliance with his ongoing obligations, we will, within 28 days of sending such notification, pay those periodic support payments which have been temporarily withheld, less any proportion of such payments which we decide to permanently withhold or reduce to the extent that this is attributable to the participant's material or repeated failure to comply with his ongoing obligations.
- 10.15. Where an investigation has not been concluded within six months, we will notify the participant that such investigation is continuing. Within 28 days of sending such notification, we will pay to a participant those periodic support payments which we have temporarily withheld, less any portion of such payments which we have decided to permanently withhold (where we are satisfied of the participant's material or repeated failure to comply with an ongoing obligation). The participant will continue to receive periodic support payments in accordance with the participant's existing payment schedule until such time as the investigation is concluded (less any portion of such payments which we have decided to permanently reduce (where we are satisfied of the participant's material or repeated failure to comply with an ongoing obligation). If, on the subsequent conclusion of the investigation, we consider that the participant was in (or has resumed) compliance with his ongoing obligations under the scheme, the matter will be closed.

10.16. However, where we are satisfied that the participant is either failing to comply with an ongoing obligation or there has been a material or repeated failure by him to comply with his ongoing obligations, we may take further enforcement action against him. We may also seek to recover payments previously made to the participant which relate to periods during which the participant was not in compliance with his ongoing obligations. Such recovery may be by offsetting the amounts against any future periodic support payments or by requiring repayment of the sum due from the participant (see paragraphs 10.35 -10.38 below).

10.17. Where an investigation has concluded and we are satisfied that the participant is either failing to comply with an ongoing obligation or there has been a material or repeated failure by him to comply with his ongoing obligations, we may then take further enforcement action (see following sections).

### **Suspend periodic support payments<sup>33</sup>**

10.18. Where we are satisfied that a participant is failing to comply with an ongoing obligation under the scheme, we may suspend that participant's payments. This means that we will stop making payments to the participant.

10.19. This sanction will generally be imposed where the participant, whilst currently failing to comply with an ongoing obligation, is capable of rectifying this non-compliance. Examples of this could include (but are not limited to), temporary use of heat for ineligible purposes, breaches of fuel eligibility requirements, a failure to submit periodic data within the specified timeframe or failure to provide requested information, including the annual declaration. We may also suspend payments if a participant notifies us that they will be unable to comply with the scheme rules for a particular period (e.g. due to a temporary inability to source eligible fuel etc), but still wish to remain as a participant in the scheme.

10.20. When we suspend payments we will, within 21 days of that decision, send the participant a notice specifying:

- how they are failing to comply with the rules of the scheme
- the reason why the payments are being suspended
- the date from which the suspension is effective
- the steps the participant must take to satisfy us that they are now complying with the rules of the scheme in order for us to lift the suspension

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<sup>33</sup> Regulations, Part 7, Regulation 45

- what might happen if they fail to satisfy us that they are now complying with the scheme (which may include imposing one or more of the sanctions referred to in this chapter)
- details of their right to request a review of our decision.

10.21. Where we decide that we are satisfied that the participant is once again complying with his ongoing obligations under the scheme, we will,, within 21 days of making this decision, remove the suspension and take the necessary steps needed to enable the payment of periodic support payments (falling due after the date of our decision) to be paid to the participant.

10.22. A participant is not entitled as of right to recover payments which have been suspended during a period of non-compliance.

10.23. However, where a participant has rectified any non-compliance within six months of a suspension being imposed by us, we may exercise discretion in paying all or part of the payments that have been withheld due to the suspension. When deciding how we exercise this discretion we will take account of all the circumstances of the case, including the impact of the non-compliance, if any, on the generation of eligible heat. For example, we may consider that non-compliance relating to delays in submitting information or the annual declaration, whilst constituting non-compliance with ongoing obligations, may not have compromised the generation of heat which would otherwise have been eligible for support.

10.24. Where we do use our discretion to make a payment which we had previously suspended, we will make the payments to the participant within 28 days of our being satisfied that the participant has resumed compliance with his ongoing obligations. It should be noted that if non-compliance continues for a period of six months or more from the date of suspension, we no longer have discretion to repay any part of the payments which have been suspended.

10.25. We can suspend payments for up to one year. If at the end of this period, a participant has been unable to resume compliance with his ongoing obligations, it is likely that we will consider this as constituting a material or repeated failure by the participant to comply with an ongoing obligation. We may therefore take further enforcement action on this basis.

### **Permanently withhold or reduce periodic support payments<sup>34</sup>**

10.26. Where we are satisfied that there has been a material or repeated failure by a participant to comply with an ongoing obligation during any quarterly period, we may:

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<sup>34</sup> Regulations, Part 7, Regulation 46



- permanently withhold such proportion of his periodic support payments for that quarterly period as corresponds with the portion of the quarterly period during which the non-compliance occurred: or
- reduce by up to ten per cent either the periodic support payment for the quarterly period during which the breach occurred, or the periodic support payment for the following quarterly period.

10.27. This would mean that the participant could receive either no periodic support payment or a reduced periodic support payment for the quarterly period during which they failed to comply, or the participant could have their next quarterly periodic support payment reduced.

10.28. If the decision is made to reduce a periodic support payment, the level of reduction will be determined (based on the factors mentioned at paragraph 10.5 above and any other relevant information), up to a maximum of ten per cent of the payment in question.

10.29. Within 21 days of the decision to permanently withhold or reduce periodic support payments, we will send a notice to the participant. The notice will specify:

- how they have failed to comply with the rules of the scheme
- the reason why the periodic support payment is being withheld or reduced
- the period that the reduction or withholding of payments relates to
- the level of any reduction
- details of their right of review our decision.

### **Revocation of accreditation or registration<sup>35</sup>**

10.30. Where we are satisfied that there has been a material or repeated failure by a participant to comply with an ongoing obligation, we have the power to revoke the accreditation of an installation in respect of which the participant's failure has occurred, or to revoke the participant's registration as a producer of biomethane.

10.31. On revocation of accreditation, an installation ceases to be eligible for any further payments under the scheme.

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<sup>35</sup> Regulations, Part 7, Regulation 47

10.32. Examples of cases that might warrant revocation may include (but are not limited to): providing false or materially inaccurate information in order to obtain accreditation or registration, repeated or material errors in periodic data or annual declarations, repeated or material failure to maintain equipment according to manufacturer's instructions or generating heat for the predominant purpose of increasing payments. Any decision made on whether to revoke accreditation or registration will take into account information which we consider to be relevant, including the factors mentioned at paragraph 10.5 above.

10.33. Within 21 days of making a decision to revoke accreditation or registration, we will send a notice to the participant. The notice will inform the participant of:

- the reason for the withdrawal of accreditation or registration, including the aspect in respect of which the non-compliance occurred
- an explanation of the effect of the withdrawal (i.e. that they will be removed from the scheme and will not be eligible for future payments at any time, either in respect of the one affected installation, all installations owned by the participant or in relation to production of biomethane by the participant)
- details of their right to request a review of our decision.

10.34. In addition, where we have revoked accreditation or registration from a participant, we may also refuse in the future to accredit any installations owned by that former participant or to register that former participant as a producer of biomethane. Furthermore, where we suspect that a participant has deliberately falsified information provided to us in order to defraud the scheme we will refer such cases to the relevant authorities for further action.

### **Recouping overpaid periodic support payments<sup>36</sup>**

10.35. Where we are satisfied that a participant has received a payment which exceeds their entitlement, or has received a payment whilst failing to comply with an ongoing obligation, we may either:

- require a participant to repay the overpaid amount, or
- recoup the overpaid amount by offsetting it against future periodic support payments.

10.36. In cases where the participant remains in the scheme, we will usually offset the amount due to us against future payments to which the participant is entitled. There may, however, be instances, (for example, where a participant

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<sup>36</sup> Regulations, Part 7, Regulation 48

is no longer in the scheme, where the amount to be repaid exceeds any future entitlement to quarterly payments or where the overpayment is significant) where we may require a participant to repay the overpaid amount directly. As the Regulations place an ongoing obligation on participants to repay any overpayment of which they are notified, we may take enforcement action in cases where a participant who remains in the scheme fails to comply with a notice to repay. Where appropriate, we may also take action to recover the overpayment from a participant or a former participant as a civil debt owed to us.

10.37. Within 21 days of the decision either to request repayment or to offset an amount owed to us against future payments, we will send a notice to the participant. The notice will specify:

- the periodic support payments that has been overpaid and the amount we are seeking to recover
- the method of recovery (either repayment or offsetting)
- the period within which the overpaid amount must be repaid (where applicable)
- the consequences of failing to make any repayments requested (including potential enforcement action or civil action for debt recovery)
- details of their right to request a review of our decision.

10.38. We will usually seek to recover an overpayment either by offsetting it against the full amount of the participant's next payment and all subsequent payments until such time as the amount has been repaid, or by requesting payment in full within [28 days] of the issue of a notice to repay. However, if an overpayment to a participant has resulted from an error by Ofgem, we will seek to agree with the participant an appropriate schedule for repayment of the sum due, which may include the ability to repay the amount by instalment or through offsetting of the amount against future payments over a more extended period. Where a participant considers that repayment of a previous overpayment is likely to result in significant hardship, he should contact Ofgem to discuss the position as soon as possible after receiving a notice to repay.

### **Revocation of sanctions<sup>37</sup>**

10.39. We may revoke a sanction which we have previously imposed on a participant. This may be as a result of an error which was involved when the sanction was originally imposed, or where it is otherwise just and equitable to do so.

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<sup>37</sup> Regulations, Part 8, Regulation 49

10.40. We may also revoke a sanction as a result of a current or former participant's successful request for review.

10.41. Within 21 days of the decision to revoke a sanction, we will send a notice to the participant. The notice will specify:

- the sanction which has been revoked including the reason why
- how we will deal with any loss of periodic support payments incurred by the participant due to the sanction (e.g. where we had suspended, withheld or reduced payments), including timescales for doing so
- details of whom they may speak to if they are not satisfied with how we propose to deal with any loss of payment.

#### **Evidence of criminal activity**

10.42. Irrespective of any action we may take in relation to non-compliance by a participant, there may be instances where we uncover evidence of possible criminal conduct (for example, fraud). In such cases, based on the nature of the information we hold, we may refer the case to the relevant authorities for investigation.

# 11. Inspection and audit powers

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## Chapter summary

This chapter outlines our approach to audit and inspection of installations for which accreditation has been applied for, or granted, under the RHI scheme. It also includes guidance on how our audit approach will be applied to facilities operated by producers of biomethane who are applying for, or who have been granted, RHI registration.

## Audits and inspections<sup>38</sup>

11.1. We (or agents authorised on our behalf), will carry out a programme of audits of accredited RHI installations and biomethane facilities on an ongoing basis. We may also inspect installations during the accreditation application process in order to verify that an installation should be accredited. The primary purpose of these audits is to encourage compliance with the Regulations by identifying instances where participants are failing to meet their ongoing obligations. Audits also help to safeguard the scheme against fraud.

11.2. Audits may be conducted as site inspections or desk based reviews.

### Audit of accredited RHI installations

11.3. Our audit programme will cover installations selected on the basis of:

- specific concerns which may have arisen e.g. as a result of data submitted, concerns raised by Ofgem staff or following a report made by a third party
- risk-based factors determined by us which may include, for example, the magnitude of payments claimed, the complexity and technology type of the installation and results of any previous audits; and
- random sampling across all installations.

11.4. During a site inspection, the inspector will gather information that will enable us to check that information provided by a participant during accreditation was accurate and that the installation has been correctly accredited. This will include evidence to enable us to assess compliance with a participant's

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<sup>38</sup> Regulations, Part 9

ongoing obligations. The inspector will also verify that periodic data provided to Ofgem is accurate so that we are able to ensure that the right amounts of payments have been and are being made to the participant. As part of the inspection, the inspector may take samples for analysis away from the premises and may also (if appropriate) take photographs, measurements, video or audio recordings.

- 11.5. For desk-based reviews, we may ask participants to send in particular documentation for verification. Participants will be required to respond within the timescales specified in the request.
- 11.6. Participants must keep appropriate records to enable an inspector to verify all of the periodic data which the participant has provided to us. Participants should also keep all documentation relating to their application for accreditation as this may also be verified during an inspection visit or desk-based review.

### **Audits and inspection for biomethane producers**

- 11.7. The audit programme will also include inspections of equipment used in the production of biomethane by producers of biomethane. During a site inspection of biomethane equipment, the inspector will gather information that will enable us to check that information provided during registration was accurate and that the biomethane producer has been correctly registered. This will include evidence to enable us to assess compliance with ongoing obligations. The inspector will also verify that periodic data provided to Ofgem is accurate so that we are able to ensure that the right amounts of payments have been and are being made to the participant. As part of the inspection, the inspector may require further samples for analysis to be provided by the participant, and, may also (if appropriate), take photographs, measurements, video or audio recordings.
- 11.8. Biomethane producers must keep all documentation related to the production and injection of biomethane as this will be subject to verification during inspection.

### **Provision of access for site inspections**

- 11.9. Before an installation is accredited, Ofgem has the right to conduct a site inspection in order to satisfy itself that an installation should be accredited<sup>39</sup>. Once an installation is accredited, participants owning accredited RHI installations have an ongoing obligation to provide reasonable access to Ofgem for the purposes of inspection<sup>40</sup>. As a condition of registration,

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<sup>39</sup> Regulations, Part 3, Regulation 22(4).

<sup>40</sup> Regulations, Part 4, Chapter 3, Regulation 34(i).

biomethane producers will also be required to ensure access to the equipment used to produce and inject biomethane for the purpose of inspection. Compliance with such a condition of registration is also an ongoing obligation on the participant.

- 11.10. In addition, to enable full verification of a participant's claim to support under the RHI, Ofgem will require a participant, as a condition of accreditation or registration, to procure access (by contractual or other means) for Ofgem (or our authorised agents) to any relevant premises which are not owned or controlled by the participant. This would apply where, for example, FMS procedures or eligible heat use occurs off-site. In the case of biomethane facilities, such off-site access should include the plant producing the biogas used in the biomethane production. In the case of district heating systems, Ofgem will not require access to domestic premises in which eligible heat use occurs.
- 11.11. Ofgem will conduct inspection visits at a reasonable hour (this will generally be between 9am – 5pm Monday – Friday). In order to simplify access and ensure availability of key personnel and data, we will normally give prior notice of site inspections. However, there may be occasions when we feel it is appropriate to conduct unannounced site inspections and we reserve the right to do so.
- 11.12. Where a participant unreasonably refuses an inspector access to an installation or biomethane facility, this may constitute a breach of the participant's ongoing obligations. As a result, we may take the decision to either launch a formal investigation (which may involve temporary withholding of a participant's payments), or to take other enforcement action (See Chapter 10, 'Compliance and enforcement powers'). It should be noted that where we are assessing the appropriateness of any enforcement action, cooperation during inspections and any related investigations is one of the factors which we may take into account.
- 11.13. If a participant unreasonably refuses our inspector access, we will send the participant a notice to this effect within 21 days. The notice will inform the participant of the reason why we consider the refusal to be unreasonable and the consequences of this (including potential sanctions). We will also inform them of their right to request a review of our decision.

### **Outcome of the audit process**

- 11.14. Following an audit, we will write to the participant concerned to outline any issues identified by the audit and to detail the actions required of them to rectify the situation. The participant is then expected to address these issues and report to us. Depending on the nature of the issues identified and the response of the participant, we may take the decision to either launch a

formal investigation (which may involve a temporary withholding of a participant's payments) or to take other enforcement action (See Chapter 10, 'Compliance and enforcement powers').



## 12. Dispute resolution

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### Chapter summary

This chapter provides guidance to those who require us to review decisions made by us in the exercise of our functions under the Regulations, or who wish to raise a complaint because they are unhappy with the way in which we have treated them, or how we operate.

### General RHI queries and complaints

- 12.1. General queries relating to our functions under the Regulations should be referred to the RHI operations team in writing or by telephone following the process detailed in paragraph 1.16 of volume One of the Guidance.
- 12.2. If you are unhappy with the way you have been dealt with, how we have performed, or how we operate or are unhappy with the way in which Ofgem has reached a decision, you may lodge a complaint with us using our general complaints handling process ([Ofgem complaints process](#)).
- 12.3. Complaints about MCS installation companies should be made to the installation company, [REAL Assurance Scheme](#)<sup>41</sup> or Trading Standards ([Trading Standards Institute - Home page](#)) as appropriate.

### Internal reviews of decisions

- 12.4. Any prospective, current or former participant who is unhappy about a decision regarding their participation in the scheme, which we have made in our exercising functions under the Regulations (**affected person**), may ask us to review the decision.
- 12.5. Requests for a review of a decision should be sent to us in writing by the affected person. Our full internal review process has a maximum of two stages. The first stage is the **formal review** process and is described further in paragraphs 12.6 – 12.14. The second stage is the **statutory review** process detailed in paragraphs 12.15 – 12.23.
- 12.6. The purpose for having a formal review is to enable us to reconsider all relevant information, facts and representations (made available to us in the exercise of our functions) regarding the decision. This means that, where issues relating to a prior decision can be addressed to the satisfaction of both

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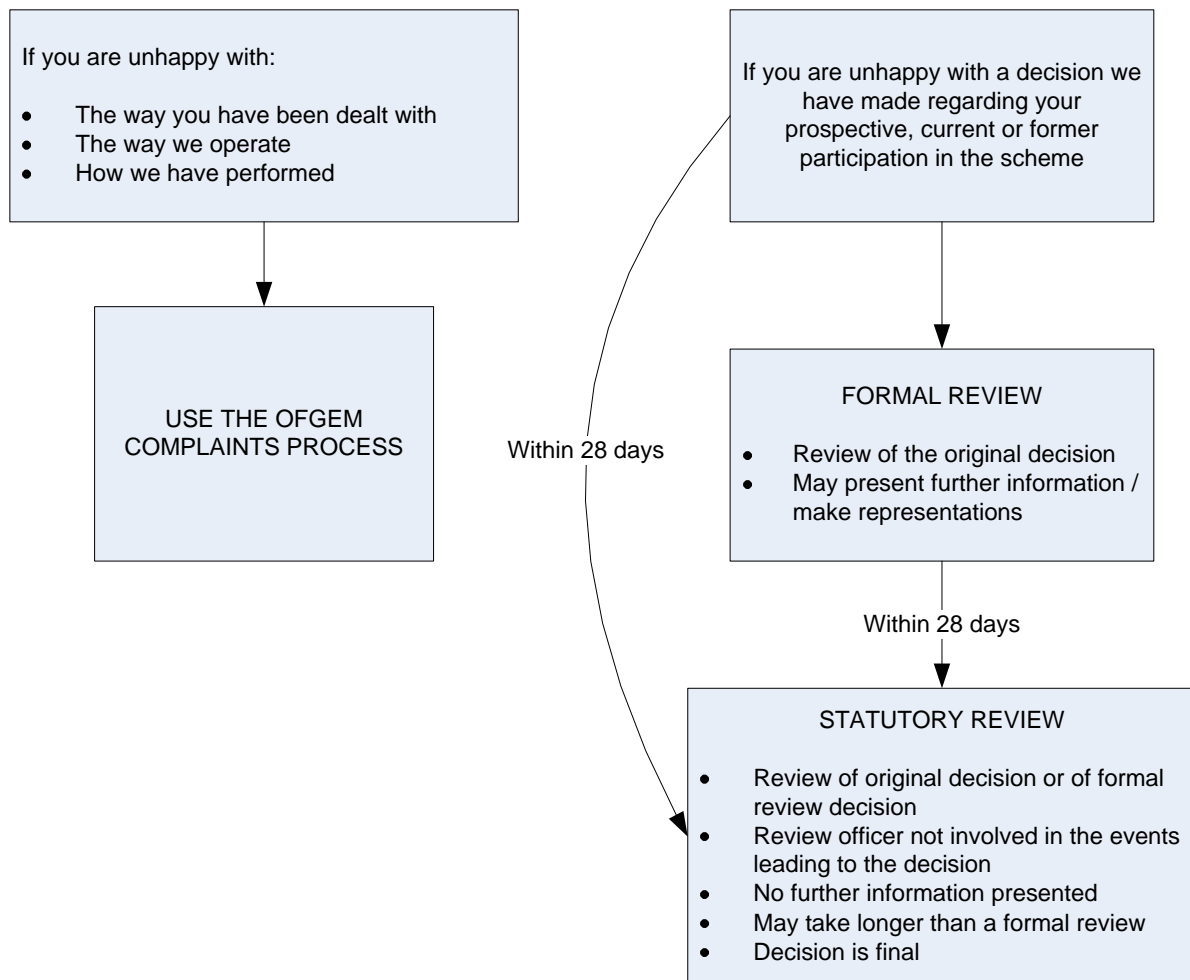
<sup>41</sup> [www.realassurance.org.uk/](http://www.realassurance.org.uk/)

Ofgem and the affected person, they are likely to be resolved at this formal review stage.

12.7. In the normal course of events, we would expect affected persons first to request a formal review (during which they are able to provide further information or make representations in support of their request), and for the majority of issues to be resolved in this way. In cases where they have no further information to submit or they are dissatisfied with a formal review decision, they may choose to proceed to statutory review for a final review and decision. In making this decision, affected persons should note the restrictions regarding the use of the statutory review process (detailed at paragraph 12.16)

12.8. The RHI internal review process is a paper based process which does not provide for oral representations of any kind. Please see the diagram below for an overview of the internal review process.

**Figure 1: Overview of the RHI internal Review Process**



## Formal review of decisions

12.9. Requests for a formal review of a decision should be made in writing, clearly marked as an RHI FORMAL REVIEW, to:

Ofgem Complaints  
Ofgem E-serve  
Ofgem  
9 Millbank London  
SW1P 3GE

12.10. The affected person should specify who they are, the decision they wish to be reviewed and the grounds upon which they are requesting a review. They should also include additional information to help us deal with the review such as their unique RHI reference number, relevant supporting documents/information and a chronology of important dates.

12.11. Ofgem Complaints (which is separate to the RHI operations team) will, within two working days of our receipt of the request for review, allocate a unique reference number (**review reference number**) to the request, reply to the affected person confirming receipt of their request for review and provide an indication of when the affected person can expect to receive a response. They will pass the request for review to the RHI operations team for formal review.

12.12. Once received within the RHI operations team, all requests for review will be passed to an officer, who is of equal or greater seniority to the person who made the original decision, for review (**formal review officer** or **FRO**).

12.13. The FRO may request that the affected person provides further information relevant to the review. Where, in order to discharge our functions under the Regulations, we require further information regarding the review of a decision, the affected person must provide this information if it is in their possession<sup>42</sup>. Where we request any additional information to assist us in reaching a decision regarding a review, affected persons are encouraged to submit such information.

12.14. The FRO will aim to reach a decision within 20 working days of being allocated the review. If it is not possible to do so, we will write to the affected person within 20 working days to give an update on progress including when we will next be in contact regarding the review.

12.15. Taking into consideration the representations and information provided to us by the affected person and any other decision we have made in our exercising

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<sup>42</sup> Regulations, Part 4, Chapter 3, Regulation 36.

functions under the Regulations which he considers relevant to the review, the FRO will aim to reach what he considers to be the most appropriate decision in the circumstances.

12.16. If the affected person is not happy with a decision made by the FRO and wishes to provide further evidence, information or representations in support of the request for review, the FRO will reconsider his decision based on such additional information. Additional information should be sent to Ofgem Complaints clearly quoting the unique reference number.

12.17. Ofgem Complaints will, within 2 working days of receipt of the additional information, reply to the affected person confirming receipt of such additional information and provide an indication of when the affected person can expect to receive a response.

## Statutory review of decisions

12.18. The Regulations entitle an affected person to request a review of a decision made by us in the exercise of our functions under the Regulations<sup>43</sup>. However, to be entitled to this review, an affected person must ensure that we receive their request for review **within 28 days** of the date that they receive notification from us of the original decision or formal review decision they wish to be reviewed.

12.19. A statutory review may be requested either in relation to an original decision made by a member of the RHI operational team, or a decision of an FRO. However, before requesting a statutory review, the affected person should consider the following:

- the Regulations do not entitle affected persons to submit further information or declarations (other than those which we request) for statutory review. Where we consider that an affected person is submitting fresh information or representations with a request for statutory review, we may treat the request for statutory review as a request for formal review. Therefore an affected person should instigate a statutory review only where they consider that they have already made available to either the original decision maker or the FRO all potentially relevant evidence, information and representations for their consideration
- it may take longer to reach a decision when going through the statutory review process
- The decision of the SRO is final and will not be subject to further internal review (see paragraph 1.22 below).

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<sup>43</sup> Regulations, Part 10, Regulation 51.

- 12.20. An affected person may request a statutory review by writing to Ofgem Complaints, at the address above, clearly marked as an RHI STATUTORY REVIEW. The affected person should specify who they are, the decision they wish us to review and the grounds upon which they are requesting a review. They should also include their unique RHI reference number and any review reference number, where applicable. The request must be signed by or on behalf of the affected person. Where fresh information or representations have been submitted with this request (see paragraph 2.18 above), we will notify the affected person that the request will be treated as a request for formal review and will be subject to review by a FRO. If, after the FRO has completed the formal review, the affected person remains unhappy with the formal review decision they may then request a statutory review.
- 12.21. A letter of acknowledgement will be sent to the affected person within 2 working days of our receipt of the request for statutory review.
- 12.22. The decision will be reviewed by the **statutory review officer (SRO)**. The SRO will be of equal or greater seniority to the original decision maker or the FRO, as applicable, and will not have been involved in the events leading to the decision. The statutory review will be based on all the evidence, information and representations submitted by the affected person to the original decision maker or FRO. In addition, we may request such information and declarations relating to information within the affected person's possession as we require to determine the review.
- 12.23. The SRO will aim to reach a decision within 20 working days. If it is not possible to do so in that time, the SRO should provide the affected person with an update within this time. The update will give a timescale (normally 20 working days) for when we will next be in contact regarding the request for review. Within 21 days of the SRO reaching their decision, they will write to the affected person (and any other person whom we believe to be affected by the decision), to inform them of the statutory review decision with reasons.
- 12.24. In relation to statutory reviews of decisions which we undertake, the SRO can make the following four decisions:
- revoke or vary the decision
  - confirm the decision
  - vary any sanction or condition that had been imposed, or
  - replace any sanction or condition that had been imposed with one or more alternative sanctions or decisions.
- 12.25. Affected persons should note that the statutory review marks the final stage of our internal review process. Should the affected person be dissatisfied with the SRO's response, they may take their complaint to the **Parliamentary**

**Ombudsman** who carries out independent investigations into complaints about public bodies. Details of how to make a complaint to the Parliamentary Ombudsman can be found on their website at [www.ombudsman.org.uk](http://www.ombudsman.org.uk).

12.26. All affected persons should note that they will be responsible for meeting their own costs in respect of taking a case to the Parliamentary Ombudsman.

## Appendices

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## Appendix 1 - Consultation Response and Questions

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1.1. Ofgem would like to hear the views of interested parties in relation to any of the issues set out in this document.

1.2. We would especially welcome responses to the specific questions which we have set out at the beginning of each chapter heading and which are replicated below.

1.3. Responses should be received by **Friday 5 August 2011** and should be sent to:

- RHI Development team
- Ofgem E-Serve, 9 Millbank, London, SW1P 3GE
- RHIGuidanceconsultation@ofgem.gov.uk

1.4. Unless marked confidential, all responses will be published by placing them in Ofgem's library and on its website [www.ofgem.gov.uk](http://www.ofgem.gov.uk). Respondents may request that their response is kept confidential. Ofgem shall respect this request, subject to any obligations to disclose information, for example, under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.

1.5. Respondents who wish to have their responses remain confidential should clearly mark the document/s to that effect and include the reasons for confidentiality. It would be helpful if responses could be submitted both electronically and in writing. Respondents are asked to put any confidential material in the appendices to their responses.

1.6. **Next steps:** Having considered the responses to this consultation, Ofgem intends to make any required amendments before publishing the final Guidance document, prior to the opening of the scheme for applications, currently expected to be 30 September 2011.

1.7. Any questions on this document should, in the first instance, be directed to:

- RHI Development team
- Ofgem E-Serve, 9 Millbank, London, SW1P 3GE
- RHIGuidanceconsultation@ofgem.gov.uk



### **Chapter Two of this Volume**

**Question 1:** Are there sections on the ongoing obligations of the scheme which require greater clarity? If so, how can these sections be improved?

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### **Chapter One (Volume One)**

**Question 1:** Are there any areas where you disagree with our interpretation of the Regulations?

### **Chapter Three (Volume One)**

**Question 1:** Are there sections on the eligibility requirements of the scheme which require greater clarity? If so, how can these sections be improved?

### **Chapter Four (Volume One)**

**Question 1:** Do stakeholders agree with our approach to approving the eligibility of MCS solid biomass products? If not, what would be a better alternative?

**Question 2:** Are there any products which stakeholders believe meet the solid biomass as 'primary fuel source' definition which would be excluded by our interpretation?

**Question 3:** Are the CEN/TS 14961:2005 group of standards widely used in biomass boiler warranties or boiler specification?

**Question 4:** Is the documentation required for solid biomass plants over 45kW widely available?

**Question 5:** Do stakeholders know of other standards or recognised procedures that could be used to determine the coefficient of performance for heat pumps with a capacity above 45kWth?

**Question 6:** We seek stakeholders' views on our approach to accrediting heat pumps with fully integrated electrical heaters, in particular whether there are any additional eligibility requirements that we should specify or if there is a capacity above which it is not common practice to install such heat pumps

### **Chapter Five (Volume One)**

**Question 1:** Do stakeholders agree with our interpretation of 'building', in particular what constitutes 'permanent or long-lasting' and a 'wholly enclosed structure'? If not, what alternative tests would be appropriate?

### **Chapter Seven (Volume One)**

**Question 1:** Do stakeholders know of other documentary evidence that could demonstrate that a heat meter meets the Class 2 requirements as set out in the Regulations?

**Question 2:** Do stakeholders agree with our approach to meter placement for complex installations where heat is used for eligible purposes in more than one building?

**Question 3:** Do stakeholders agree that it is reasonable to require an independent report on metering arrangements for all installations classed as complex for RHI metering purposes?

**Question 4:** Do stakeholders agree with the competency criteria proposed for the person permitted to undertake the independent report on metering arrangements?

**Question 5:** Do stakeholders have any comments on the draft independent report on metering arrangements which is being consulted on alongside this Guidance as a supplementary appendix?

**Question 6:** Do stakeholders have any comments on the proposed approach for measuring energy returned in the form of condensate outlined in paragraphs 7.61-7.64? We would be interested to hear of any alternative approaches that could measure the energy in the condensate return in accordance with Regulation 17.

### **Chapter Eight (Volume One)**

**Question 1:** Do you agree with our interpretation of the meaning of biomethane 'producer'?

**Question 2:** Does this interpretation present any issues for the biomethane industry?

## Appendix 2 - Table of tariffs

<b>Tariff name</b>	<b>Eligible technology</b>	<b>Eligible sizes</b>	<b>Tariff rate (pence/kWh)</b>
Small commercial biomass	Solid biomass including solid biomass contained in municipal solid waste (incl. CHP)	Less than 200 kWth	Tier 1: <b>7.9</b>
			Tier 2: <b>2.0</b>
Medium commercial biomass		200 kWth and above; less than 1,000 kWth	Tier 1: <b>4.9</b>
		Tier 2: <b>2.0</b>	
Large commercial biomass		1,000 kWth and above	<b>2.7</b>
Small commercial heat pumps	Ground-source heat pumps; Water source heat pumps; deep geothermal	Less than 100 kWth	<b>4.5</b>
Large commercial heat pumps		100 kWth and above	<b>3.2</b>
All solar collectors	Solar collectors	Less than 200 kWth	<b>8.5</b>
Biomethane and biogas combustion	Biomethane injection and biogas combustion, except from landfill gas	Biomethane all scales, biogas combustion less than 200 kWth	<b>6.8</b>

## Appendix 3 – FMS: measuring solid biomass

### Weight Measurement

3.1. The information contained in this appendix is designed to provide participants with an indication, rather than a prescriptive guide, to the ways in which they may opt to compile a robust fuel measurement and sampling regime. This relates to the use of solid fuels and covers: methods and standards for weight, volume and energy content measurement, contamination identification and prevention, and appropriate fuel storage conditions.

Table 3.1: Weight measurement using a weighbridge

Question	Answer
When is the weight measurement taken?	At installation on delivery
How is the weight measurement taken?	By totalising weighbridge deliveries
How often is the weight measurement taken?	Every delivery
How is any fuel carried over from one quarter to the next accounted for?	Stocks run down at quarter end
Are any industry standards met?	The British Standard BS EN 30012-1 for weighbridge calibration. This presents in detail methods of calibration for static weighing devices and for determining periodic confirmation intervals. This is reviewed with further details in the following code of practice: Code of Practice for the Calibration of Industrial Process Weighing Systems, Institute of Measurement and Control, October 2003.
How is accuracy ensured?	Weighbridges will normally achieve an accuracy of +/- 0.5% of the load. Participants of public weighing equipment have responsibilities to ensure that they can perform their duties competently and honestly. No one may operate public weighing equipment unless they hold a certificate from a Chief Trading Standards Officer. Although the weighbridge at a heat installation is unlikely to be a public weighing facility, good practice would be that the weighbridge is operated as if it were, and that the appropriate certificate is obtained. Regular calibration is an integral part of the quality assurance of all weight measurements.

Table 3.2: Weight measurement using a weighbridge and stock calculation

Question	Answer
When is the weight measurement taken?	At installation on delivery and stock calculation at quarter end.
How is the weight measurement taken?	By totalising weighbridge deliveries and performing a stock calculation at the end of each quarter.
How often is the weight measurement taken?	Every delivery and at a stock calculation at the end of each quarter.

How is any fuel carried over from one quarter to the next accounted for?	By a stock calculation at quarter end. This can be done typically by transit over a weighbridge, survey of the stockpile, or level measurement of a bin.
Are any industry standards met?	The British Standard BS EN 30012-1 for weighbridge calibration. This presents in detail methods of calibration for static weighing devices and for determining periodic confirmation intervals. This is reviewed with further details in the following code of practice: Code of Practice for the Calibration of Industrial Process Weighing Systems, Institute of Measurement and Control, October 2003.
How is accuracy ensured?	<p>Accuracy can be maximised by operating the stocking area so as to reduce the remaining quantity to a very low level at the period end. This could be achieved by separating each period's stock.</p> <p>Weighbridges will normally achieve an accuracy of +/- 0.5% of the load. Participants of public weighing equipment have responsibilities to ensure that they can perform their duties competently and honestly. No one may operate public weighing equipment unless they hold a certificate from a Chief Trading Standards Officer. Although the weighbridge at a heat installation is unlikely to be a public weighing facility, good practice would be that the weighbridge is operated as if it were, and that the appropriate certificate is obtained.</p> <p>Regular calibration is an integral part of the quality assurance of all weight measurements.</p>

Table 3.3: Weight measurement using a belt weigher

Question	Answer
When is the weight measurement taken?	Immediately prior to combustion
How is the weight measurement taken?	Directly from a belt weigher
How often is the weight measurement taken?	Throughout the burn
How is any fuel carried over from one quarter to the next accounted for?	n/a
Is any method of verification used?	Totalised weighbridge delivery figures and stock level calculation at the end of each quarter (if applicable).

### Accuracy

3.2. Belt weighing devices vary substantially in accuracy according to their principle of operation, construction and installation. The Organisation Internationale de Métrologie Légale (OIML) has classified those intended for commercial use into three classes as per the Table below. Good practice is considered to be class 0.5.

Table 3.4: Accuracy of belt weighers

Class	Percentage of the mass of the totalized load for:	
	Initial verification	In-service
0.5	0.25	0.5
1	0.5	1.0
2	1.0	2.0

3.3. There is an international recommendation from OIML that specifies the metrological and technical requirements for belt conveyor equipment. This provides standardised requirements and test procedures for evaluating this equipment in a uniform and traceable way.

3.4. The title of the international recommendation is:

'Continuous totalizing automatic weighing instruments (belt weighers). Part 1: Metrological and technical requirements – Tests. OIML R 50-1 Edition 1997 (E)'

Further information can be found at [www.oiml.org](http://www.oiml.org).

3.5. Please note regular calibration is an integral part of the quality assurance of all weighing devices. Where possible, inaccuracies from excessive tension or stiffness in the belt, irregular loading, or installation too close to non-weighing rollers should be avoided. Guidance for the calibration of stand-alone electronic weighing devices can be found on the OIML website.

## Appendix 4 – FMS: industry standards

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4.1. Below is a list of industry standards that can be used and followed to support fuel measurement and sampling plans and procedures (we will ask as part of the Fuel Measurement and Sampling Questionnaire whether any of these are to be followed):

- BS EN 303-5:1999 (Part 5) Heating boilers for solid fuels hand and automatically fired, nominal heat output of up to 300 kW - Terminology, requirements, testing and marking.
- BS EN 12809:2001 +A1:2001 Residential independent boilers fired by solid fuel - Nominal heat output up 50kW – Requirements and test methods
- BS 7420:1991 Guide for determination of calorific value of solid, liquid and gaseous fuels (including definitions)
- CEN 14778-1:2005 (part one) Solid bio fuels – sampling: methods for sampling
- CEN 14778-1:2005 (Part 2) Solid bio fuels – sampling: methods for sampling: Methods for sampling particulate material transported in lorries.
- CEN 14918:2005 Solid Bio fuels- Method for the determination of calorific value
- CEN 14961 :2005 Solid Bio fuels – Fuel specifications and classes
- CEN15440:2006 Solid Recovery fuels Method for the determination of biomass content
- CEN 14779:2005 Solid bio fuels Sampling – Methods for preparing sampling plans and sampling certificates
- CEN 14780 :2005 Solid bio fuels – Methods for sample preparation

## Appendix 5 – FMS: sampling fuels for energy content

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### **Sampling fuels for energy content**

5.1 Sampling is required to identify the energy content of a fuel and must be both of a sufficient quantity for analysis to be undertaken and representative of the fuel used in that quarter

5.2 The approach that should generally be used when developing a robust sampling regime is to:

- Take a series of incremental samples.
- Combine these to form a composite sample.
- Extract a representative sub-sample of the composite sample for analysis.

While some factors that can affect the precision and accuracy of sampling are:

- The size of the sample relative to the whole.
- The number of increments taken during the sampling period to produce a composite sample.
- The method used to extract the sample.
- The location of sample extraction. If the fuel is not sampled immediately before combustion, it is generally expect the fuel sampled to be as representative as possible to what is combusted.
- The method used to extract a sub-sample from the composite sample for subsequent analysis.

### **Sampling frequency**

5.3 To ensure that RHI Payments are issued for fuel used in each quarter, the energy content reported within quarterly data submissions must relate to the fuel used in that quarter. This means that fuel sampling is required within the quarter of burn. This may include both sampling from the fuel delivered that quarter as well as re-sampling stock carried over from deliveries in previous quarters.

5.4 Where sampling is required, samples are usually taken either from each delivery or from the fuel stream immediately prior to combustion. Participants are also welcome to propose other sampling intervals e.g. once per day, providing it can be demonstrated that this regularity is able to provide accurate and reliable results.



5.5 When considering how frequently to take samples, installations should consider how consistent the GCV of their biomass fuel is, how many fuel sources they have and how much biomass they are using.

### Weighted averaging

5.6 Good practice when calculating the average GCV of a number of composite samples is to use a weighted average.

### Verification

5.7 When conducting sampling, participants should consider how they might verify the results and may wish to consider using a second method of sampling analysis at the stage of agreeing FMS procedures.

### Energy content measurement for solid fuels

Table 5.1: sampling immediately prior to combustion

Question	Answer
How is the energy content measurement taken?	Increments are taken from the nearest possible point immediately prior to combustion.
How often are sample increments taken?	Depends on the material being burned and the number of deliveries: at a minimum this will be once a quarter.
How is any fuel carried over from one quarter to the next accounted for?	N/A
How is the sample prepared?	The overall size of the composite sample may be over 200kg, but the actual amount of material that is required for chemical analysis is usually less than five grams. Therefore it is necessary to obtain a representative sample of the composite sample that is suitable for chemical analysis. This can be achieved by using a combination of sample size reduction (using a suitable shredder) and sample splitting procedures to produce a finely powdered sample.
What steps are in place to ensure that the sample is representative of the whole?	Installations should explain how sampling will be undertaken, which demonstrates that the sample taken is representative of the whole.  The objective of any sample extraction procedure is to ensure that all particles have an equal chance of reporting to the sample. This is particularly important when the material being sampled contains a wide range of particle sizes (such as chipped wood), as the finer sized particles will tend to settle towards the bottom of the material in a delivery vessel or in a stockpile, and towards the bottom of the flow of material on a conveyor.

	For a given accuracy, the required sample weight is directly proportional to the size of the largest particle in the mixture being sampled. This means that the weight of sample needed reduces as the particle size reduces, and thus the total size of a sample of sawdust will be smaller than that of a sample of woodchips.
Is any method of verification used?	Previous quarter's results are used as a comparison.

Table 5.2: Energy content measurement from delivery vessels

<b>Question</b>	<b>Answer</b>
How is the energy content measurement taken?	Increments are taken manually from delivery vessels.
How often are sample increments taken?	Every delivery.
How is any fuel carried over from one quarter to the next accounted for?	Stocks run down at quarter end.
How is the sample prepared?	The overall size of the composite sample may be over 200kg, but the actual amount of material that is required for chemical analysis is usually less than five grams. Therefore it is necessary to obtain a representative sample of the composite sample that is suitable for chemical analysis. This can be achieved by using a combination of sample size reduction (using a suitable shredder) and sample splitting procedures to produce a finely powdered sample.
What steps are in place to ensure that the sample is representative of the whole?	Installations should explain how sampling will be undertaken, which demonstrates that the sample taken is representative of the whole.  The objective of any sample extraction procedure is to ensure that all particles have an equal chance of reporting to the sample. This is particularly important when the material being sampled contains a wide range of particle sizes (such as chipped wood), as the finer sized particles will tend to settle towards the bottom of the material in a delivery vessel or in a stockpile, and towards the bottom of the flow of material on a conveyor.  For a given accuracy, the required sample weight is directly proportional to the size of the largest particle in the mixture being sampled. This means that the weight of sample needed reduces as the particle size reduces, and thus the total size of a sample of sawdust will be smaller than that of a sample of woodchips.
Is any method of verification used?	Previous quarter's results are used as a comparison.

Table 5.3: Energy content measurement from stockpile

<b>Question</b>	<b>Answer</b>
How is the energy content measurement taken?	Increments are taken manually from delivery vessels and from a stockpile.
How often are sample increments taken?	Every delivery and from stockpile at the beginning of each quarter.
How is any fuel carried over from one quarter to the next accounted for?	Stockpile sampled at the beginning of the quarter.
How is the sample prepared?	<p>The overall size of the composite sample may be over 200kg, but the actual amount of material that is required for chemical analysis is usually less than five grams. Therefore it is necessary to obtain a representative sample of the composite sample that is suitable for chemical analysis. This can be achieved by using a combination of sample size reduction (using a suitable shredder) and sample splitting procedures to produce a finely powdered sample.</p>
What steps are in place to ensure that the sample is representative of the whole?	<p>Installations should explain how sampling will be undertaken, which demonstrates that the sample taken is representative of the whole.</p> <p>The objective of any sample extraction procedure is to ensure that all particles have an equal chance of reporting to the sample. This is particularly important when the material being sampled contains a wide range of particle sizes (such as chipped wood), as the finer sized particles will tend to settle towards the bottom of the material in a delivery vessel or in a stockpile, and towards the bottom of the flow of material on a conveyor.</p> <p>For a given accuracy, the required sample weight is directly proportional to the size of the largest particle in the mixture being sampled. This means that the weight of sample needed reduces as the particle size reduces, and thus the total size of a sample of sawdust will be smaller than that of a sample of woodchips.</p>
Is any method of verification used?	Previous quarter's results are used as a comparison.

## Appendix 6 – FMS: further information on alternative methods for determining a contamination percentage for waste fuels

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6.1. Plants using municipal waste or solid biomass contaminated with fossil fuel may wish to consider using the CEN 343 group of industry standards to support the development of their FMS procedures. CEN 343 is a set of standards covering many aspects of the production, handling and measurement of solid recovered fuels. The following are the standards you may need to comply with:

**CEN/TS 15440: 2006 Solid recovered fuels - Method for the determination of biomass content**, is a standard that provides methodologies for determining the biomass fraction of a representative waste sample.

**CEN/TS 15440: 2006 includes two methods for determining the biomass percentage by energy: selective dissolution and manual sorting**. The standard explains the process a laboratory should follow and the conditions under which the methods can be used.

6.2. Operators must ensure that they are using fuels that meet the conditions set out in the standard in order for a sampling regime based on this standard to be viewed as being reliable. For example, fuels must not contain substances for which the methods prescribed in the standards do not work, such as coal and charcoal.

### The Selective Dissolution Method

6.3. This method relies on the fact that under the conditions specified in the standard biomass materials will dissolve and whatever is left undissolved will therefore be fossil derived. Since the dissolution method that can be used to directly determine the GCV of the biomass in the sample, it is preferential to the manual sorting method.

### The Manual Sorting Method

6.4. In this method, a representative sample of the solid recovered fuel is sorted by hand into various sub-fractions e.g. plastics, paper/cardboard, wood and inert matter. These constituents are then dried to a constant weight and separated into biomass, non-biomass and inert categories.

6.5. The calorific value of the biomass content of the sample can now be determined through establishing the average net calorific value for each category on a dry basis. Manual sorting can also only be applied to waste materials over a certain particle size.

### **Potential for Error**

6.6. Participants seeking to utilise the selective dissolution and manual sampling methods outlined in CEN/TS 15440 should bear in mind that these methodologies have several limitations. These are outlined in Annex G for the standard.

6.7. For example, as regards selective dissolution operators will need to consider that the biodegradability of certain non-biomass materials e.g. coal or polyurethane plastics, may lead them to dissolve and therefore they would be considered biomass. A list of such materials is considered in the standard. Also, since the manual sorting method is to some extent reliant on estimation it is therefore prone to human error.

### **Use of the Selective Dissolution Method for Waste Wood Fuels**

6.8. The methods outlined in CEN/TS 15440 were primarily designed for use with waste fuels e.g. SRF. However, operators have utilised the selective dissolution method to determine the fossil fuel derived contamination percentage of waste wood fuels e.g. which are contaminated by small quantities of paint, varnish and adhesives. These fuels naturally have a higher biomass content than SRF or similar waste fuels.

6.9. Within Annex G of the standard it states that the reliability of the method may be compromised when used with fuels with very high biomass contents e.g. >95%. Therefore where waste wood fuels are utilised alongside the selective dissolution method Ofgem may seek to impose a minimum contamination level which will be assumed for the RHI payment. This will be considered on a case by case basis.

### **Re-release of the Standard**

6.10. Ofgem will monitor the re-release of CEN Standards and at such point as an updated version of CEN/TS 15440 is released this will be reviewed. We may then seek to alter our approach based on any developments in the standard as regards the addition of new methodologies or re-evaluation of those already included.

### **Carbon-14**

6.11. Ofgem is aware that this method could potentially be used for the determination of the biomass content of feedstocks. We are happy to discuss the current Ofgem position as regards the use of this approach with interested participants at the time of an accreditation application.

## Appendix 7 – Contents of FMS Questionnaire

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7.1. As described in Chapter Four, certain plants using biomass-based fuels or feedstocks are required to measure and sample fuels to determine their 'renewable' portion used to calculate their RHI payment.

7.2. Below is a list of the questions contained in the draft Fuel Measurement and Sampling (FMS) Questionnaire, which is the questionnaire applicants complete to tell us how they will go about measuring and sampling the fuels used. There are separate versions of the questionnaire for solid biomass (including municipal waste), biogas and biomethane.

### **Solid biomass (including municipal waste) – FMS Questionnaire**

<b>Section 1: General Information</b>
What types of biomass fuel are used at the plant?
Please provide details of the supplier(s) of the fuel including name and address(es)
How will you make sure that your quarterly RHI claim does not include any biomass being used which does not result in the generation of heat (e.g. If biomass is used in testing that does not contribute to hot water/ liquid or steam generation)?
<b>Section 2: Measuring biomass fuel weight</b>
When are the weight measurements taken?
Further explanation, or how the biomass will be measured?
How is the weight measured?
How often is the weight measured?
How do you manage the requirement to measure accurately fuel in the quarter it is burned (i.e. If biomass fuel is weighed as contributing towards the biomass proportion of fuel in the period, but is not used in the period and 'carried-over' to the next period, how this is deducted from the relevant calculation)?
If the weight measurement(s) meets any UK, European or other standard(s) (e.g BS, ISO, CEN) Please provide details.
Is any method of verification of the measurement used?
<b>Section 3: Measuring and sampling biomass Gross Calorific Value</b>
When are representative samples taken?
Further explanation e.g. at what point samples are taken from before combustion or if a sample is taken off site, where is it taken?
How is the representative sample taken?
Further explanation including how you ensure that the sample is representative of the fuel taken?
How often is the sample taken?

Further explanation e.g. if a composite sample is taken, how many deliveries the generating station generally gets each quarter?
How do you ensure that the GCV is representative of what is being burned?
How do you ensure carry-over is included in the sampling?
Further explanation including how you ensure that the samples are taken from all the fuel burned in the quarter?
If the sampling analysis of the GCV or the Sampling methods meets any UK, European or other standard(s) (e.g. BS, ISO, CEN) Please provide details.
Is any method of verification of the measurement used?
<b>Section 4: Measuring the fossil fuel contamination</b>
What is the origin of the fuel? For example if the fuel is a type of wood, it may be virgin wood from forestry, pallets from commercial activity etc.
Is there any fossil fuel contamination in your fuel?
How do you propose to manage contamination? Please include how you will prevent contamination or how and where you will measure contamination levels, on a quarterly basis in your answer.
Do your measurement techniques for contamination any UK, European or other standard(s) (e.g. BS, ISO, CEN) Please provide details.
How will the energy content of the contamination be measured each quarter?
<b>Section 5: Off-Site measurement only</b>
Please explain the practicalities of auditing your off-site measurement facilities.
<b>Section 6: Use of fossil fuel for permitted ancillary purposes.</b>
What fossil fuels are used for permitted ancillary purposes?
What purpose will the fuel be used for?

## Biogas – FMS Questionnaire (Gasification and Pyrolysis only)

<b>Section 1: General Information</b>
What types of feedstock are used to produce the biogas at the plant?
Please provide the name and address of the supplier(s) of feedstock(s) (we will need information on each supplier)
Please describe your feedstocks in detail (this will need updating when new feedstocks are used)
<b>Section 2: Measuring the fossil fuel contamination</b>
Please provide details of the fossil fuel contaminants of the feedstock.
How will the energy content of the feedstock contaminants be measured, and compared to the energy content of the feedstocks as a whole (see regulation 41)?
Is any method of verification of the measurement used?

## Biomethane - FMS Questionnaire

<b>Section 1: General Information</b>
What types of feedstock are used to produce the gas?
Please provide the name and address of the supplier(s) of feedstock(s) (this will need to be updated when new feedstocks are used)
Please describe your feedstocks in detail.
<b>Section 2: Measuring the energy content of the biomethane injected</b>
How will the volume and GCV of the biomethane be measured?
How often/ over what time period will the biomethane be measured?
Is any method of verification of the measurement used?
What volume meters are to be used?
What are the opening volume meter readings and on what date were they taken?
<b>Section 3: Measuring the fossil fuel contamination (applicable to gasification and pyrolysis conversion technologies only)</b>
Please provide details of the fossil fuel contaminants of the feedstock (Examples of fossil fuel contaminants include plastic, paint/ varnish, oil etc.)
How will the energy content of the feedstock contaminants be measured, and compared to the energy content of the feedstocks as a whole?
Is any method of verification of the measurement used?
<b>Section 4: Measuring the energy content of the propane</b>
Is propane added to the gas before injection? If yes, please explain how the volume and GCV of this will be measured in each quarter.
How often/ over what time period will the propane be measured?
What are the opening volume meter readings and on what date were they taken?
What volume meters are to be used?
Is any method of verification of the measurement used?
<b>Section 5: Measuring heat to be deducted</b>
Where heat is used from an external source at the biogas production plant or to produce biomethane, please explain how this will be measured (based on the RHI heat metering requirements)
What are the relevant opening heat meter readings?



## Appendix 8 – Glossary of RHI terms

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### A

#### **ACCREDITATION**

In order to receive support under the RHI, an eligible installation will have to be accredited by Ofgem. Accreditation is the process by which we determine whether an installation meets the eligibility criteria of the scheme and the owner agrees to the conditions of participation.

#### **ADDITIONAL CAPACITY**

Additional capacity means a plant which is first commissioned after the date on which the original RHI installation was commissioned. The plant must use the same source of energy and technology and must supply heat to the same heating system as the original RHI installation.

#### **ADDITIONAL PLANT**

Additional plant means a heat generating plant which uses a different technology or source of energy than an existing RHI accredited installation and is connected to the same heating system as the RHI accredited installation.

#### **ANCILLARY FOSSIL FUEL**

Ancillary fossil fuel refers to the small amounts of fossil fuel necessary for the effective operation of the installation.

#### **ANNUAL DECLARATION**

The annual declaration is a confirmation that must be signed by the Authorised Signatory to confirm that the accredited RHI installation/registered biomethane producer has met the eligibility criteria and ongoing obligations of the scheme for the previous 12 months.

#### **AUTHORISED SIGNATORY**

An Authorised Signatory is a person who is authorised to open and use an account with the Ofgem RHI website or provide information by post.

### C

#### **CHP**

CHP refers to a Combined Heat and Power plant.

## **COMMISSIONED**

This means, in relation to an eligible installation, the completion of all tests required by industry standards for the installation to be able to deliver heat for the purpose for which it was installed. For a legal definition, please see the Regulations.

## **COMMON HEADER**

This is the main pipe to which plants supply heat, and from which heat uses are supplied. A heating system may have multiple common headers.

## **COMPLEX INSTALLATION**

A complex installation is any installation that is not considered simple.

## **F**

### **FLOW PIPE**

The pipe carrying the hot water flow leaving an installation or heat use is commonly referred to as the flow pipe.

## **FUEL MEASUREMENT AND SAMPLING (FMS)**

The term 'fuel measurement and sampling' (FMS) refers to the way in which the renewable biomass proportions of input fuels are determined. By 'measurement', we mean determining the amount or quantity of a fuel (for example in tonnes or cubic meters). By 'sampling', we mean taking small sample amounts of fuel and testing them to determine specific properties such as their GCV.

## **I**

### **INSTALLATION CAPACITY**

The installation capacity is defined as the 'total installed peak heat output capacity of a plant' (which may include the 'total installed peak heat output capacity' of a single plant (installation) made up of two or more component plants).

## **K**

### **KILOWATTS (kW)**

A kilowatt is a measure of power i.e. the **rate** at which energy is transferred or converted. A kilowatt is equal to 1 kilojoule of energy transferred/converted each second.

### **KILOWATT-HOURS (kWh)**

A kilowatt-hour is the measure of energy transferred or converted over a period of time. A kilowatt-hour is equal to the amount of energy generated by an installation

with a power capacity of 1kW in an hour **or** an installation with a power capacity of 2kW in a half-hour etc.

## **N**

### **NOMINATED INDIVIDUAL**

An individual within an organisation nominated to act on the organisation's behalf in relation to the RHI.

## **O**

### **ONGOING OBLIGATIONS**

Ongoing obligations refer to the obligations that need to be met to remain accredited to the scheme.

## **P**

### **PARTICIPANT**

A participant is defined in the Regulations as either the owner of an accredited RHI installation, a representative owner or a producer of biomethane who has registered with the Authority to receive the RHI. In practice this means that once the owner or representative owner of an eligible installation or a biomethane producer receives accreditation or registration respectively to the RHI scheme, he/she will be referred to as a participant in the RHI scheme.

### **PERIODIC SUPPORT PAYMENT**

RHI support will be delivered to participants in the form of quarterly periodic support payments.

### **PERIODIC DATA**

Periodic data is the information participants will need to submit on a regular basis as an ongoing obligation, and in order for Ofgem to calculate the appropriate payment.

## **R**

### **RENEWABLE HEAT INCENTIVE**

The Renewable Heat Incentive is a Government environmental programme designed to provide long-term financial support to renewable heat installations to encourage the uptake of renewable heat.

### **RENEWABLE HEAT PREMIUM PAYMENT**

The Renewable Heat Premium Payment is a separate, complementary grant scheme to the RHI. It will provide a one-off payment to domestic generators of renewable

heat for the interim period before domestic generators will be able to apply for the RHI (expected October 2012).

### **REPRESENTATIVE OWNER**

Where there is more than one owner of an accredited RHI installation, the owner with the authority to act on behalf of all owners is referred to as the representative owner.

### **RETURN PIPE**

The pipe carrying the cool liquid flow returning from an installation or heat use is commonly referred to as the return pipe.

## **S**

### **SCHEMATIC DIAGRAM**

The schematic diagram is an illustration of the installation and heating system for which RHI accreditation is being applied for.

### **SIMPLE INSTALLATION**

A simple installation is an installation which is not a CHP system, does not deliver heat by steam, does not supply heat to an ineligible purpose, and uses the heat generated in one building.

## **T**

### **THERMOCOUPLE**

Electronic sensor for measuring the temperature of pipe work at a given position.

## Appendix 9 - Feedback Questionnaire

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9.1. Ofgem considers that consultation is at the heart of good policy development. We are keen to consider any comments or complaints about the manner in which this consultation has been conducted. In any case we would be keen to get your answers to the following questions:

1. Do you have any comments about the overall process, which was adopted for this consultation?
2. Do you have any comments about the overall tone and content of the report?
3. Was the report easy to read and understand, could it have been better written?
4. To what extent did the report's conclusions provide a balanced view?
5. To what extent did the report make reasoned recommendations for improvement?
6. Please add any further comments?

9.2. Please send your comments to:

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Consultation Co-ordinator  
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9 Millbank  
London  
SW1P 3GE  
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