

Andrew Black

From: Stewart, Susan <Susan.Stewart@detini.gov.uk>
Sent: 02 August 2012 15:08
To: Alan Bissett
Cc: McCutcheon, Joanne; Hutchinson, Peter; David Trethowan; Thompson, Sandra
Subject: RE: ACX/RHI 003 - Review of Draft Regulations

Alan

Apologies in the delay in responding to you. Thank you for your email. We will consider your amendments to the Regulations and get back to you regarding any further work and/or advice we may require.

Also, many thanks for your correspondence regarding the EU technical notification. For your information, we submitted the technical notification on 25 July to the Commission and it has been uploaded to the TRIS website.

Regards

Susan

Susan Stewart

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The new website for the European Sustainable Competitiveness Programme for NI is now available - visit www.eucompni.gov.uk



www.ni2012.com

Please consider the environment - do you really need to print this e-mail?

From: Alan Bissett [<mailto:alan.bissett@arthurcox.com>]
Sent: 24 July 2012 20:43
To: Stewart, Susan
Cc: McCutcheon, Joanne; Hutchinson, Peter; David Trethowan; Thompson, Sandra
Subject: RE: ACX/RHI 003 - Review of Draft Regulations

Susan,

Further to my email dated 17th July 2012, please now find attached for your review an updated draft of the NI RHI Regulations in clean copy and also a version marked to show that changes made to the Ofgem mark-up that you forwarded to us on 10th July 2012.

You will note that we have included further footnotes which either raise queries for the Department to address or contain the Ofgem comments with a query for the Department noted with them.

You will note that we have addressed the following issues in particular:-

- (i) We have revised the definition of "pipe-line system" in Regulation 2 to bring it in-line with the definition under the GB RHI Regulations.
- (ii) By way of the new provision added as Regulation 5(b), installations generating heat from solid biomass with an installation capacity greater than 1,000kWth will not qualify for RHI payments.
- (iii) We have reinstated the definition of 'Waste' in Regulation 27.
- (iv) Although the comments of Ofgem on Regulation 29 were unclear, we believe the amendments we have made address Ofgem's concerns and this point will need to be checked with Ofgem.
- (v) The retention of the Technical Standards and Regulations Directive notification language in the Explanatory Note and reinstatement of the RIA language pending the Department's consideration of our advice of 17th July 2012;

We would also draw your attention to the issue raised by Ofgem in regard to Regulation 51 (Publication of guidance and tariffs) and the requirement to publish information on an ongoing basis at regular intervals. I should be grateful if the Department would advise they are happy with adopting this principle.

I note the comment in your email dated 10th July 2012 concerning confirmation that AD sites in receipt of NIROCs will not receive RHI payments. With regard to this, please note the existing provisions of Regulation 9(2) in relation to CHP systems that use solid biomass to generate heat and electricity – the effect of this is that such CHP systems that receive NIROCs will not receive RHI payments. The eligibility criteria for RHI payments are set out in Regulations 5 - 11 and I should be grateful if you could confirm whether the Department requires wording similar to Regulation 9(2) to be added to Regulation 5.

Please let us know if you have any comments or queries on any of the issues raised above or on this latest draft of the NI RHI Regulations.

I should be grateful if you would kindly acknowledge receipt.

Kind regards

Alan

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From: Alan Bissett

Sent: 17 July 2012 20:42

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