

**From:** Stewart, Susan  
**To:** ["Alan Bissett"](#)  
**Cc:** [David Trethowan](#); [McCutcheon, Joanne](#); [Hutchinson, Peter](#)  
**Subject:** RE: ACX/RHI 003 - Review of Draft Regulations  
**Date:** 29 August 2012 10:35:00  
**Attachments:** [attf08d3.png](#)

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Alan

Many thanks for your previous email. In relation to the issues you raised below -

1. We can confirm that the substitution of site for building has addressed our concerns in relation to footnote L
2. NIRO accreditation - We have considered your amendments to Regulations 5 and 6 and in order to make sure that we are excluding AD plant accredited under the NIRO, we would suggest a further amendment. Under Reg 5(e), we believe it should state -

"it is not **an anaerobic digestion station** under the NIRO."

Under Reg 6 it would state - "...it is not **an anaerobic digestion station** under the NIRO."

I should be grateful if you would consider this proposed wording and confirm that you are content with its insertion into the draft legislation.

3. Explanatory Memorandum - Agreed
4. We will confirm Regs 23 and 25 with Ofgem when we have a final set of draft Regulations. Thanks for your work on this issue
5. As above

In addition to the above issues, Ofgem has raised a couple of other issues -

6. Ofgem has advised that the GB Regulations provide for solid biomass plants with an installation capacity of less than 45kW to use contaminated solid 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. The NI Regs do not actually provide for this. The NI Regs should reflect the GB position so there shouldn't be any difference from the GB scheme. If DECC are allowing installations under 45kw to use an element of contaminated fuel, then the NI Regs should also reflect this. I would appreciate if you could consider this matter and make any necessary amendments to the draft Regulations.

7. The title of Regulation 51 should be renamed to say "Publication of guidance and publication of specified information on the Department's website"

8. Finally, I believe that the definition of the NIRO under Reg 2 should read as follows -

"NIRO" means the Northern Ireland Renewables Obligation as set in the Renewables Obligation Order (Northern Ireland) 2009;

I would appreciate if you could confirm that you agree with this amendment

If you need any further clarification, please do not hesitate to contact me

Many thanks

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](http://www.eucompni.gov.uk)*



[www.ni2012.com](http://www.ni2012.com)

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

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**From:** Alan Bissett [<mailto:alan.bissett@arthurcox.com>]  
**Sent:** 09 August 2012 20:55  
**To:** Stewart, Susan  
**Cc:** David Trethowan; McCutcheon, Joanne; Hutchinson, Peter  
**Subject:** RE: ACX/RHI 003 - Review of Draft Regulations

Susan,

Please find attached for your review a revised version of the NI RHI Regulations together with a mark-up against the version circulated by us on 24 July 2012.

As requested, we have dealt with each of the matters which you raised in your email. In particular, please note the following:-

- 1 Regulation 3(2): Please note the substitution of the word "site" for "building" and the definition of the new term "site" that has been added to Regulation 2. I should be grateful if you could confirm whether this addresses the concerns you raised in relation to footnote L.
- 2 NIRO accreditation: We have suggested that Regulation 5 (Eligible installations generating heat from solid biomass) and Regulation 6 (Eligible installations generating heat from solid biomass contained in municipal waste) should be amended to exclude plant accredited under the NIRO. I should be grateful if you could confirm whether this addresses your concerns that AD operators should not be able to claim ROCs and RHI.