

GB vs NIRHI Changes November 2012

GB vs Northern Ireland RHI Changes

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Summary

This document highlights the changes in the Guidance between the GB and Northern Ireland (NI) Schemes. It concentrates on the main differences which are brought about by the Renewable Heat Incentive (Northern Ireland) Regulations 2012 versus the Renewable Heat Incentive Regulations 2011 (GB only). It also highlights the physical changes in the administration of the scheme for an interim period at launch. The Appendix provides in-depth information of all changes between the GB Guidance and the NI Guidance, as well as a link to the relevant area in the NI Guidance Document.

The Major Differences

Administration

For an interim period from the 'go live' date, all applications for the NIRHI scheme will be manual. NIRHI will become operational on the RHI Register in 2013.

DETI Branded Guidance

- The Guidance volumes for the NIRHI will be DETI branded and will be published on the DETI website.

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- Ofgem is administering the scheme on behalf of DETI as made possible under section 114 of the Energy Act 2011. Any mention of 'The Energy Act' relates to the 2011 version and not the 2008 as in the GB guidance.
- This guidance began as the GB RHI guidance. It has been amended/added to, to ensure its relevance to the NIRHI scheme. Therefore, some issues in the wording from the GB guidance may still be visible in the NI guidance documents.
- Pronouns have been changed to reflect that the Guidance is from DETI and not Ofgem.

Technology Eligibility

In the NI scheme, Solid Biomass including solid biomass contained in municipal solid waste and CHP **is only eligible for NIRHI up to but not including 1000 KWth**. The Regulations only provide for 1MW and above for large heat pumps (Ground Source heat pumps, water source heat pumps and deep geothermal only).

Reporting

- 1.14 – 1.15 **Reporting Requirements**; what DETI will publish on their website. The following changes have been made:
 - a. Taken out Biomass Sustainability reporting and replaced with Biomethane Sustainability reporting. (In the NI version – there is no requirement for Biomass installations to provide sustainability reporting, however there is for Biomethane producers. NI Regs. 32, Schedule 2.)
 - b. Kept in the reporting of 'total amount of heat generated for which payments have been made under the RHI' taken out 'as well as details of what this heat has been used for' as it is not supported by Regulation 51.
 - c. Taken out 'we will aim to update this information daily' for the same reason as above.

Date of Commissioning eligibility

For Northern Ireland this is 1st September 2010 (GB was 15th July 2009).

Council Tax / Business Rates

Chapter 4.40 onwards in Volume one deals with eligibility regarding heating installations in Domestic and Non domestic premises. In the GB Scheme, Council Tax bandings are used to decipher between the two. In Northern Ireland it is Domestic and Business Rates. Further guides to help potential applicants understand their domestic rate banding or business rating can be found on the Land and Property Services (LPS) website. Enquiries can also be directed to the local Domestic Rates Officer who may be able to provide evidence of status if required (multiple domestic rates bills or business rates bills etc).

Just as in the GB scheme, domestic premises are eligible for RHPP and potential applicants should be directed to the DETI website. The Northern Ireland Executive is looking to introduce support for single domestic premises in the NIRHI in phase 2.

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Tariff Changes

Please see table below for the differences between the tariff levels as of go live date for Northern Ireland (Nov 2012). **Please note that there is no 2 tier tariff in the NI scheme as there is in the GB.**

Tariff Name	Eligible Technology	Eligible Sizes	Tariff rate (pence/kWh as of 1 st Nov. 2012)	
			GB	NI
Small Commercial Biomass	Solid biomass including solid biomass contained in municipal solid waste and CHP	Less than 200 kWth (GB) Less than 20kWth (NI)	Tier 1: 8.3 Tier 2: 2.1	6.2
Medium Commercial Biomass		200 kWth and above; less than 1,000 kWth (GB) 20 kWth and above up to but not including 100kWth (NI)	Tier 1: 5.1 Tier 2: 2.1	5.9
Large Commercial Biomass		1,000 kWth and above (GB) 100 kWth and above up to but not including 1000kWth (NI)	1.0	1.5
Small Commercial Heat pumps	Ground-source heat pumps; Water source heat pumps; deep geothermal	Less than 100kWth (GB) Less than 20 kWth (NI)	4.7	8.4
Medium Commercial Heat Pumps		20kWth and above up to but not including 100 kWth (NI Only)		4.3
Large Commercial Heat Pumps		100 kWth and above (Both NI and GB)	3.4	1.3
All Solar Collectors	Solar Collectors	Below 200kWth	8.9	8.5
Biomethane and biogas combustion	Biomethane injection and biogas combustion except from landfill gas	All Biomethane injection and Biogas combustion below 200kWth	7.1	3.0

Appendix 1: NIRHI Guidance Introduction Vols. 1 and 2.

The Introduction is exactly the same across both volumes. It is amended by DETI to reflect their stance regarding NIRHI instead of DECC and RHI.

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- Participants in the scheme interaction diagram in Chapter 1 amended to include **DETI not DECC**.
- 1.24 – Headed ‘Territorial Applicability’ instead of ‘Devolved Administrations’.
- Amended regulation footnotes to match up with NI draft statutory Regulations.
- DECC replaced by DETI.
- “Government” replaced by NI Assembly/ Executive. The Assembly is the devolved legislature of Northern Ireland and sits at Parliament Buildings at Stormont. The Executive is the administrative branch of the devolved legislature and is answerable to the Assembly.
- RHI replaced by NIRHI.
- References to Feed in Tariffs taken out as not relevant in Northern Ireland.
- Reporting provisions amended to DETI’s specifications – They will put the information up on their website quarterly. Please see Regulation 51 in the NI Regulations for specifics.
- Footnote website references changed to NI equivalent websites for reference materials
 - a. Domestic rates not CT rates <http://www.dfpni.gov.uk/lps/>
 - b. RHPP NI – Deti website not energy saving trust.
http://www.detini.gov.uk/ni_rhpp_faqs-2.pdf
 - c. Northern Ireland Ombudsman www.ni-ombudsman.org.uk
 - d. Trading Standards UK replaced with DETI Consumer affairs branch
www.detini.gov.uk/deti-consumer-index.htm
- Replaced GB acts with the relevant NI acts (where known)
- Ie. Pollution Prevention & Control Regulations (Northern Ireland) 2003. Vol. 1 5.47 now reads:
- “It will be a condition of accreditation that all biomass and biogas participants must keep planning permission documents, environmental applications and permits required under other legislation such as Pollution Prevention and Control Regulations (Northern Ireland) 2003). Ofgem will generally not require these at the accreditation stage, but they may ask for them as a follow-up to verify details provided about the boiler, such as the fuel(s) the boiler is designed to run on.”)
- Biomethane definition: The definition corresponding to the definition in the 2008 Act is contained in section 113 of the Energy Act 2011, the definition being worded in the same way as in the 2008 Act, save that the reference is to the NI Gas Order of 1996, so that’s the definition (in s.113) that applies to NI.
- DECC Policy document taken out of Guidance. In the GB version it is mentioned at the following times:

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- a. A description of all eligible types of heat pump (Vol. 1)
- b. Mentioned later on regarding reversible heat pumps (Vol. 1)
- c. Stated as setting out the principles underlying the Government's policy on heat uses that are eligible for RHI support (Vol. 1)
- d. Mentioned regarding the calibration of meters and associated components (Vol. 2)
- e. Tariff levels for the different eligible technologies and the formulae to determine the payments (Vol. 2)

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Appendix 2: Table 1: NI vs GB Changes in the Guidance Vol 1.

Text in green denotes text added in. Any in red denotes text taken out.

All references are correct to the DETI branded Guidance Volumes. (unless, as is the case with the deleted tables, they have been taken out of the guidance; then the original GB guidance volume references are given).

Volume 1			
REF(NI Guidance unless otherwise stated)	GB	NI	Live link to NI Guidance Section
5.8	DECC Heat Pump Document - footnote linked to Guidance	Replaced with Northern Ireland Version	
5.41	No upper capacity limit for Biomass Boilers	Biomass Boilers eligible up to but not including 1000kWth	
5.51 (GB)	Biomass Plants of 45kWth and under... "The Regulations do not provide that plants of this scale are permitted to burn any fossil fuel or biomass contaminated with fossil at the plant (ie in the same boiler). It will therefore be a condition of accreditation that these biomass plants must use 100 percent biomass fuels."	Taken out of the Guidance completely as not supported by the regulations	NA
5.62	"Future Emission Limits "In March 2011, the [Government] announced information of introducing emission limits of 30 g/GJ particulate matter and 150g/GJ for NOx on combustion of biomass boilers below 20MWth. These emissions limits do not currently apply but we expect them to be introduced in phase two."	Deleted altogether. Only applies to GB	NA
5.81	Renewable Obligation Order 2009 and Renewables Obligation (Scotland) Order 2009	NI equivalent Renewables (Northern Ireland) Obligation (NIRO)	
6.9	"In considering the length of time for which a building or structure is expected to remain in its location, we would not generally consider any building which would be eligible for exemption from the energy efficiency requirements of Schedule 1, Part L of the Buildings Regulations 2010"	" In considering the length of time for which a building or structure is expected to remain in its location, Ofgem would not generally consider any building or structure that has a planned time of use of two years or less to be 'permanent or long-lasting'. (There is no legal Northern Ireland equivalent to Schedule 1, Part L of the Buildings Regs 2010, therefore to ensure similar treatment, the words in green have been inserted)	

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Table 2 : NI vs GB Changes in the Guidance Vol 1 continued.

Volume 1			
REF(NI Guidance unless otherwise stated)	GB	NI	Live link to NI Guidance Section
7.22	Link to Independent report on metering arrangements	Link to NI Independent report on metering arrangements	
8.31	Metering Volume. "In your FMS questionnaire, you will be asked to provide information on the volume meters used at the injection point to measure the volume of gas entering the network. This information will include how many and what meters are being used at the injection point, and what the opening meter readings are on the day the application for registration is made. This may be included in the contractual or Network Entry Agreement information detailed above."	Text in red taken out as not relevant to Northern Ireland	
8.32	Once registered, participants should use the volume meters that are used for the balancing and settlement and other industry transaction purposes for measurement of volume in the NIRHI. These are detailed in the Uniform Network Code.	Same as above	
8.9	"For the gas to be considered 'suitable for conveyance' (or transported in accordance with a gas transporter's licence), it will have to meet the health and safety criteria (as defined in the transporter's Safety Case), regulated by the Health and Safety Executive, and any consumer protection measures that have been agreed by our Networks Team and/or industry (e.g. as laid out in the Uniform Network Code).	For the gas to be considered 'suitable for conveyance' (or transported in accordance with a gas transporter's licence), it will have to meet any health and safety criteria laid down by the Health and Safety Executive HSE (NI) and any consumer protection measures that are in place within the industry"	
8.33	"The equipment used for measuring the GCV of the gas for regulatory purposes (which our Smarter Grids and Governance Team need to agree and approve for non-RHI purposes) should be used for calculating the weighted average GCV of the gas over the quarterly period for RHI purposes. This would be adjusted to standard temperature and pressure"	"The equipment used for measuring the GCV of the gas for regulatory purposes which (our Smarter Grids and Governance Team need to agree and approve for non-NIRHI purposes the Utility Regulator Northern Ireland would agree and approve of) should be used for calculating the weighted average GCV of the gas over the quarterly period for NIRHI purposes. This would be adjusted to standard temperature and pressure."	
Appendix 4	List of Wastes that are or are not classified as municipal waste: The complete list	In NI the European Waste Catalogue is enacted under the List of Wastes (Northern Ireland) Regulations (2005), which includes the EU list as an appendix. So, exactly the same list is used as in the GB scheme, the only difference is that references to DEFRA have been taken out. Therefore 5.68 now reads - "In assessing whether household waste or mixed waste may be treated as municipal waste under section 21 of WSET, Ofgem will refer to the List of Wastes set out in the tables at Appendix 4 as this will ensure consistency with the approach taken under the GB RHI Regulations. The first table at Appendix 4 shows the categories of Wastes [that DEFRA has concluded] that should be classed as municipal waste. The second table at Appendix 4 shows examples of the categories from the List of Wastes [that DEFRA has concluded] that should not be classed as municipal waste.	

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Table 3 : NI vs GB Changes in the Guidance Vol 2.

Volume 2			
REF(NI Guidance unless otherwise stated)	GB	NI	Live link to NI Guidance Section
Chapter 4 Table 1	Requirements in relation to ancillary fossil fuel contamination	Taken out so as not to draw attention to the lack of regulations around <45Kw (no control over % of fossil fuel / contamination)	NA
Chapter 4 Table 3	Circumstances where FMS is required	Same as above	NA
4.7	Waste - 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.	Most recent draft of NI regs has following definition "waste" has the same meaning as in Article 2(2) of the Waste and Contaminated Land (Northern Ireland) Order 1997. (S.I. 1997/2778 (N.I. 19), Article 2(2) was amended by SR 2011 No. 127)	
5.10 and 5.11(GB)	"A two tier tariff has been applied for small (<200kW) and medium (≥200kW but <1MW) scale biomass installations..."	Removal of explanation regarding two tier tariffs for small and medium biomass, including the example tables as not relevant to the NI scheme.	
6.7	"At this stage there are no minimum criteria for Sustainability Reporting as this is for information purposes only. However, 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 phase two."	"At this stage there are no minimum criteria for Sustainability Reporting as this is for information purposes only. However, you should be aware that while the current requirement is merely to report on the sustainability of fuels, if appropriate, DETI will consult on the possible introduction of mandatory sustainability criteria for biomass from 2013 onwards, this will be dependent on any changes to be made to the NIRHI from phase two. (Changed to reflect DETI)"	
Chapter 7 Table 7	Illustrative example of support for additional capacity. Example uses 2 x600kWh boilers	Changes to 2 x 400kWh biomass boilers to fit in with NI regulations (No more than 999kWh)	
10.5	Compliance and enforcement: "Once we are satisfied that we are in possession of the relevant facts of the 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.	"Once Ofgem are satisfied that they are in possession of the relevant facts of a case, they will decide what further action, if any, may be appropriate to deal with the matter. Ofgem's 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 we exercising one or more of the range of enforcement actions that are available to them under the Regulations. "In circumstances where Ofgem is satisfied that a participant has received a payment which exceeds the amount that the participant is entitled to, or that the participant is in failing to comply with its ongoing obligations, and the participant refuses to voluntarily repay the overpayment and Ofgem is otherwise unable to offset the overpayment against future payments made to the participant, we (DETI) may seek to recover such overpayment as a civil debt. " All enforcement powers (other than recoupment of an overpayment as a civil debt) are exercisable by Ofgem, not DETI.	
Chapter 12: Dispute Resolutions	Ofgem provide the process of the Formal Review and the Statutory Review	Ofgem provide the process of the Formal Review, DETI provide the process of the Statutory Review, and DETI will aim to reach a decision within 30 working days (12.23) rather than 20 working days for GB.	
Appendix 1	GB Tariff table	NI Tariff Table	

