
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Renewable Heat Incentive Scheme Regulations 2018

PART 5

Sustainable solid biomass, biogas or biomethane

Ongoing obligation to use sustainable solid biomass or biogas or to produce sustainable biomethane

48.—(1) A participant who generates heat or heat and power from solid biomass or biogas in an accredited RHI installation must use only sustainable solid biomass or sustainable biogas.

(2) A participant who produces biomethane for injection must produce for injection only sustainable biomethane.

(3) Paragraph (1) is deemed to be complied with in respect of—

(a) any biogas or solid biomass used in an accredited RHI installation—

(i) which is a generating station which is accredited under the Renewables Obligation Order 2015⁽¹⁾ or the Renewables Obligation (Scotland) Order 2009⁽²⁾;

(ii) where the capacity of that generating station is 1MW or above; and

(iii) where—

(aa) in the case of biogas or solid biomass used in a generating station in Scotland, the biogas or solid biomass meets the greenhouse gas emission criteria in paragraph 2 of Part 1 of Schedule A1A to the Renewables Obligation (Scotland) Order 2009 and the applicable land criteria in Schedule A2 to that Order; or

(bb) in the case of biogas or solid biomass used in a generating station in England or Wales, the biogas or solid biomass meets the greenhouse gas criteria in paragraph 2 of Part 1 of Schedule 2 to the Renewables Obligation Order 2015 and the applicable land criteria in Schedule 3 to that Order; or

(b) any solid biomass used in an accredited RHI installation to generate heat (but not heat and power) which—

(i) at the time when it is received by the participant, is an approved sustainable fuel; or

(ii) is a fuel in respect of which the Secretary of State has made a declaration under regulation 51(5).

⁽¹⁾ S.I. 2015/1947, as amended by S.I. 2016/1108, 2017/1234 and 2017/1289.

⁽²⁾ S.S.I. 2009/140. Relevant amending instruments are S.S.I. 2010/147, 2011/225, 2013/116, 2014/94, 2015/384, 2016/1108 and 2017/432, and S.I. 2016/1108 and 2017/1234.