STATUTORY INSTRUMENTS

2018 No. 611

The Renewable Heat Incentive Scheme Regulations 2018

PART 2

Eligibility and matters relating to eligibility

CHAPTER 2

Eligibility criteria for technologies

Eligible installations generating heat from solid biomass

5.—(1) This regulation applies if the plant complies with all of the following requirements—

(a) it generates heat from solid biomass, excluding solid biomass contained in waste;

(b) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18;

(c) in the case of a plant for which an application for accreditation is made on or after 24th September 2013—

(i) an environmental permit subsists in relation to that plant, or

(ii) an RHI emission certificate applies to that plant.

(2) Paragraph (1)(c) does not apply to plants in respect of which preliminary accreditation was granted before 24th September 2013 (and such preliminary accreditation has not been withdrawn).

(3) For the purposes of this regulation, an RHI emission certificate applies to a plant (A) if the information in that certificate is based on testing—

(a) A;

(b) a plant of the same make, model and installation capacity as A; or

(c) any other plant in the same type-testing range as A.

RHI emission certificates

6. An RHI emission certificate is a document that meets the following requirements—

(a) the document must be issued by a testing laboratory;

(b) where the information contained in the document is based on testing carried out on or after 24th September 2013, the testing laboratory that issued the document must be accredited to BS EN ISO/IEC 17025:2005(**1**) at the time of testing; and

(c) the document must contain the information set out in Schedule 1.

(**1**) The ISBN for the English language version of this standard is ISBN 0 580 46330 3. This standard was published by the British Standards Institution on 29th June 2005 and copies, including hard copies, can be obtained at www.bsigroup.com.

Eligible installations generating heat from solid biomass contained in waste

7. This regulation applies if the plant generates heat from solid biomass contained in waste.

Eligible installations generating heat using solar collectors

8. This regulation applies if the plant complies with all of the following requirements—

(a) it generates heat using a solar collector;

(b) it has an installation capacity of less than 200kWth;

(c) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18.

Eligible installations generating heat using ground source heat pumps

9.—(1) This regulation applies if the plant complies with all of the following requirements—

(a) it is a ground source heat pump;

(b) where the tariff start date of the plant is on or after the date on which these Regulations come into force, it does not form part of a shared ground loop system;

(c) it generates heat using naturally occurring energy;

(d) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18;

(e) it has a coefficient of performance of at least 2.9; and

(f) in the case of a plant in respect of which an application for accreditation is made on or after 28th May 2014—

(i) the plant is designed and installed to operate with a seasonal performance factor of at least 2.5; and

(ii) where the plant is capable of heating and cooling, a design heat load for the plant has been calculated in accordance with BS EN 12831:2003(**2**).

(2) Paragraph (3) applies where—

(a) an application for accreditation in respect of the plant is made on or after 28th May 2014; and

(b) the plant was first commissioned on or after 4th December 2013.

(3) Where this paragraph applies, the requirement in paragraph (1)(c) is deemed to be satisfied where, in addition to using naturally occurring energy in the form of heat, the plant—

(a) uses solar energy which—

(i) has been gathered by any means other than by a solar collector which is an accredited RHI installation; and

(ii) is stored in the ground in the form of heat;

(b) uses heat from space cooling or process cooling; or

(c) uses heat from processes other than the generation of heat.

Eligible installations generating heat using air source heat pumps

10. This regulation applies if the plant complies with all of the following requirements—

(**2**) The ISBN for the English language version of this standard is ISBN 978 0 580 84107 1. This standard was published by the British Standards Institution on 22nd August 2003 and copies, including hard copies, can be obtained at www.bsigroup.com.

(a) it is an air source heat pump;

(b) in the case of a plant with an installation capacity of 45kWth or less, the plant meets the requirements in regulation 18;

(c) it has a coefficient of performance of at least 2.9;

(d) it has been designed and installed to operate with a seasonal performance factor of at least 2.5;

(e) it is not designed to provide cooling; and

(f) it is not designed to use heat in air which has been expelled—

(i) from a building; or

(ii) directly from a process which generates heat.

Eligible installations which are shared ground loop systems

11.—(1) This regulation applies if the plant is a shared ground loop system which complies with the requirements in paragraphs (2) and (4).

(2) Each ground source heat pump which forms part of the shared ground loop system must comply with the following requirements—

(a) it was first commissioned as part of the shared ground loop system on or after 14th December 2016;

(b) it generates heat using naturally occurring energy;

(c) in the case of a ground source heat pump installed in domestic premises with an installed peak heat output capacity of 45kWth or less, it meets the requirements in regulation 18;

(d) it has a coefficient of performance of at least 2.9;

(e) it is designed and installed to operate with a seasonal performance factor of at least 2.5;

(f) where it is capable of heating and cooling and is not installed in domestic premises, a design heat load for the ground source heat pump has been calculated in accordance with BS EN 12831:2003;

(g) where it is installed in domestic premises, an EPC must have been issued for that premises and one of the following requirements must be met—

(i) the property is a new-build property; or

(ii) the period commencing with the date on which the EPC was issued and ending on the date of application under regulation 30 is less than 24 months and the requirements in paragraph (5) are met.

(3) The requirement in paragraph (2)(b) is deemed to be satisfied where, in addition to using naturally occurring energy in the form of heat, the ground source heat pump—

(a) uses solar energy which—

(i) has been gathered by any means other than by a solar collector which is an accredited RHI installation; and

(ii) is stored in the ground in the form of heat;

(b) uses heat from space cooling or process cooling; or

(c) uses heat from processes other than the generation of heat.

(4) The shared ground loop system must be designed and installed to operate with a seasonal performance factor of at least 2.5.

(5) For the purposes of paragraph (2)(g)(ii), the requirements in this paragraph are met if the EPC—

(a) does not include a recommendation report;

(b) includes a recommendation report which does not recommend that loft insulation or cavity wall insulation is installed; or

(c) includes a recommendation report which recommends that loft insulation or cavity wall insulation is installed, but that insulation cannot be installed as its installation—

(i) is prevented by restrictions on the building as a consequence of its status as a listed building, its location in a conservation area or the material impact that such installation would have on a species protected in accordance with the Wildlife and Countryside Act 1981(**3**);

(ii) would otherwise be unlawful; or

(iii) is not feasible due to local environmental conditions or the structure of the property.

Eligible installations which are CHP systems

12.—(1) This regulation applies if the plant is a CHP system which complies with the requirements in paragraphs (2) and (3).

(2) The requirements in this paragraph are that the CHP system generates heat and power from—

(a) one of the sources of energy set out in paragraph (5) alone; or

(b) solid biomass, solid biomass contained in waste or biogas, alone or in any combination or with any other source of energy, provided that—

(i) the combustion unit in which that solid biomass, solid biomass contained in waste or biogas is burned was first commissioned as part of a CHP system on or after 4th December 2013;

(ii) the combustion unit was new at the time of installation;

(iii) (except in relation to the use of solid biomass contaminated with fossil fuel) the combustion unit in which that solid biomass, solid biomass contained in waste or biogas is burned is a separate combustion unit from that in which any other fuel is burned.

(3) Where energy is supplied to the CHP system from a combustion unit in which solid biomass (excluding solid biomass contained in waste) is burned, the requirements in this paragraph are that where an application for accreditation relating to the CHP system of which the combustion unit forms part was made on or after 24th September 2013, that combustion unit complies with the requirements in regulation 5(1)(c)(i) or (ii).

(4) The requirements in paragraph (2)(b)(i) and (ii) are deemed to be satisfied where the combustion unit was previously supplying energy for the generation of power only and the plant to which it supplies energy was first commissioned as a CHP system on or after 4th December 2013.

(5) The sources of energy referred to in paragraph (2)(a) are—

(a) solid biomass (excluding solid biomass contained in waste);

(b) solid biomass contained in waste;

(c) biogas, provided that the combustion unit in which the biogas is burned does not generate heat from solid biomass;

(d) deep geothermal energy.

(6) In the case of a CHP system which generates heat and power from biogas, references in this regulation to "combustion unit" include the biogas production plant which produces the biogas which is used in the combustion unit.

(**3**) 1981 c.69.

Eligible installations which are new solid biomass CHP systems

13.—(1) This regulation applies if the plant is a CHP system which complies with the requirements in paragraphs (2) and (3).

(2) The requirement in this paragraph is that the CHP system is certified under CHPQA.

(3) The requirements in this paragraph are that the CHP system generates heat and power from solid biomass (excluding solid biomass contained in waste) alone or in combination with any other source of energy provided that the combustion unit in which that solid biomass is burned—

(a) is first commissioned as part of a CHP system on or after 4th December 2013;

(b) was new at the time of installation;

(c) except in relation to the use of solid biomass contaminated with fossil fuel, is a separate combustion unit from that in which any other fuel is burned; and

(d) complies with the requirements in regulation 5(1)(c)(i) and (ii).

(4) The requirements in paragraph (3)(a) and (b) are deemed to be satisfied where the combustion unit was previously supplying energy for the generation of power only and the plant to which it supplies energy is first commissioned as a CHP system on or after 4th December 2013.

Eligible installations generating heat using geothermal sources

14. This regulation applies if the plant generates heat using naturally occurring energy located and extracted from at least 500 metres beneath the surface of solid earth.

Eligible installations generating heat using biogas

15. This regulation applies if the plant generates heat from biogas alone.

Other eligibility requirements for technologies

16.—(1) The requirements referred to in regulation 4(b)(i) are—

(a) except where regulation 12(2)(b) or 13 applies—

(i) in the case of a plant generating heat using biogas combustion with an installation capacity of 200kWth or above or an air source heat pump, the plant was first commissioned on or after 4th December 2013;

(ii) in all other cases, installation of the plant was completed and the plant was first commissioned on or after 15th July 2009;

(b) except where regulation 12(2)(b) or 13 applies, the plant was new at the time of installation;

(c) the plant uses liquid or steam as a medium for delivering heat to the space, water or process or to any of the purposes in regulation 3(2)(b); and

(d) the heat generated by the plant is used for an eligible purpose.

(2) In the case of a CHP system—

(a) the requirements of paragraph (1)(a)(i) and (b) are deemed to be satisfied where a plant was previously generating electricity only, using biogas, and was first commissioned as a CHP system on or after 4th December 2013; and

(b) the requirements of paragraph (1)(a)(ii) and (b) are deemed to be satisfied where the plant was previously generating electricity only, using solid biomass, solid biomass contained in waste, or biogas, and was first commissioned as a CHP system on or after 15th July 2009.

(3) But the requirements of paragraph (1)(a) and (b) are not satisfied where the plant was previously generating heat only and was first commissioned as a CHP system on or after 15th July 2009.

Planning permission

17. The requirement referred to in regulation 4(b)(ii) is that, where an application for accreditation is made on or after the date on which these Regulations come into force, any necessary planning permission has been granted in relation to the plant.

Certification for installation of microgeneration heating equipment

18.—(1) A plant meets the requirements set out in this regulation if it is certified under—

(a) the Microgeneration Certification Scheme(**4**) as installed in accordance with a relevant installation standard in that scheme; or

(b) a scheme—

(i) where installers are certified to that scheme's standards by a certification body or organisation accredited to EN 45011(**5**) or EN ISO/IEC 17065:2012(**6**);

(ii) where the plant is installed in accordance with the installation requirements applicable to the plant under that scheme on the plant's first commissioning date and which are equivalent to a relevant installation standard; and

(iii) which is equivalent to the Microgeneration Certification Scheme.

(2) In paragraph (1), if the first commissioning date for the plant is on or after the date on which these Regulations come into force, "relevant installation standard" means—

(a) where the plant generates heat from solid biomass or solid biomass contained in waste, version 4.2 of the document entitled "Microgeneration Installation Standard: MIS 3004 requirements for MCS contractors undertaking the supply, design, installation, set to work, commissioning and handover of solid biofuel heating systems" published on 6th May 2015(**7**);

(b) where the plant is a ground source heat pump or air source heat pump, version 5.0 of the document entitled "Microgeneration Installation Standard: MIS 3005 requirements for MCS contractors undertaking the supply, design, installation, set to work, commissioning and handover of microgeneration heat pump systems" published on 28th April 2017(**8**); or

(c) where the plant generates heat using a solar collector, version 4.2 of the document entitled "Microgeneration Installation Standard: MIS 3001 requirements for MCS contractors undertaking the supply, design, installation, set to work, commissioning and handover of solar heating microgeneration systems" published on 1st May 2015(**9**).

(3) In paragraph (1), if the first commissioning date for the plant is earlier than the date on which these Regulations come into force, "relevant installation standard" means any installation requirements applicable to the plant under the Microgeneration Certification Scheme, or an equivalent scheme, on the plant's first commissioning date.

(**4**) Details of which are available at www.microgenerationcertification.org
(**5**) The ISBN for the English language version of this standard is ISBN 0 580 29415 3. This standard was published by the British Standards Institution on 15th July 1998 and copies, including hard copies, can be obtained at www.bsigroup.com.
(**6**) The ISBN for the English language version of this standard is ISBN 978 0 580 78472 9. This standard was published by the British Standards Institution on 31st October 2012 and copies, including hard copies, can be obtained at www.bsigroup.com.
(**7**) Published on www.microgenerationcertification.org.
(**8**) Published on www.microgenerationcertification.org.
(**9**) Published on www.microgenerationcertification.org.

Plants comprising more than one plant

19.—(1) Subject to paragraphs (2) and (3), the eligibility criteria are not met if the plant in respect of which eligibility is being determined comprises more than one plant.

(2) A plant is not treated as comprising more than one plant for the purposes of paragraph (1) where it comprises two or more plants ("component plants") which—

(a) use the same source of energy and technology;

(b) form part of the same heating system;

(c) are not accredited RHI installations; and

(d) meet the eligibility criteria, but the requirements in regulation 18 do not need to be met where the combined installation capacity of the component plants is over 45kWth.

(3) Additional RHI capacity is not to be regarded as a separate plant for the purpose of this regulation.

Excluded plants

20.—(1) The eligibility criteria are not met if the plant—

(a) is generating heat predominantly for the use of one domestic premises, except where it is also generating heat for one or more other domestic premises;

(b) is, in the Authority's opinion, generating heat solely for a purpose which is not an eligible purpose, or for an excluded heat use within the meaning of regulation 3(4); or

(c) is a plant which—

(i) is additional RHI capacity and was first commissioned more than 12 months after the original installation (within the meaning of regulation 76) was first commissioned;

(ii) generates heat using a solar collector or, in the case of additional RHI capacity commissioned before 4th December 2013, using biogas; and

(iii) has an installation capacity which, together with the installation capacities of all related plants, is 200kWth or above.

(2) For the purposes of this regulation, "related plant" means 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 as the plant referred to in paragraph (1)(c).