
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Renewable Heat Incentive Scheme Regulations 2018

PART 3

Accreditation, registration and tariff guarantees

Preliminary accreditation

33.—(1) Subject to paragraphs (2) and (3), the Authority may, upon the application by a person who proposes to construct or operate an eligible installation which has not yet been commissioned, grant preliminary accreditation in respect of that eligible installation.

(2) The Authority must not grant preliminary accreditation to any plant under this regulation unless evidence has been provided from the relevant planning authority that—

- (a) any necessary planning permission has been granted; or
- (b) planning permission is not required.

(3) The Authority must not grant preliminary accreditation to any plant under this regulation if, in its opinion, that plant is unlikely to generate heat for which periodic support payments may be paid.

(4) An application for preliminary accreditation must be in writing and supported by such of the information specified in Schedule 2 as the Authority may require and declarations as to—

- (a) the date on which the applicant expects the plant to be commissioned;
- (b) the total heat in kWhth which the applicant expects the plant to generate each year for eligible purposes once the plant has been commissioned; and
- (c) the installation capacity of the plant.

(5) Where the Authority considers that further information is necessary for the purpose of determining an application for preliminary accreditation it may by notice—

- (a) specify further information which the applicant is required to provide under Schedule 2;
- (b) specify a period of no less than four weeks starting with the date of the notice within which that information must be provided; and
- (c) inform the applicant that failure to provide the requested information within that period may result in the application being rejected.

(6) The Authority may by notice extend the period specified in a notice under paragraph (5)(b) where it is satisfied that it is reasonable to do so.

(7) The Authority may reject an application for preliminary accreditation if, within the period specified under paragraph (5)(b) or, where applicable, paragraph (6), the applicant has failed to provide the information specified in a notice given under paragraph (5)

(8) The Authority may attach such conditions as it considers appropriate in granting preliminary accreditation under this regulation.

(9) Where a plant has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) and an application for accreditation is made under this Part, the Authority

must, subject to paragraphs (3) and (12) to (14) of regulation 30, and regulations 31 and 81(4), grant that application unless it is satisfied that—

- (a) there has been a material change in circumstances since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused;
- (b) any condition attached to the preliminary accreditation has not been complied with;
- (c) the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular such that, had the Authority known the true position when the application for preliminary accreditation was made, it would have been refused; or
- (d) there has been a change in applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused.

(10) Where any of the circumstances mentioned in paragraph (11) apply in relation to a preliminary accreditation which the Authority has granted and having regard to those circumstances the Authority considers it appropriate to do so, the Authority may—

- (a) withdraw the preliminary accreditation;
- (b) amend the conditions attached to the preliminary accreditation;
- (c) attach conditions to the preliminary accreditation.

(11) The circumstances referred to in paragraph (10) are as follows—

- (a) in the Authority's view there has been a material change in circumstances since the preliminary accreditation was granted;
- (b) any condition attached to the preliminary accreditation has not been complied with;
- (c) the Authority considers that the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular;
- (d) there has been a change in the applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused.

(12) The Authority must send the applicant a notice setting out—

- (a) its decision on an application for preliminary accreditation of a plant or on the withdrawal of any preliminary accreditation;
- (b) any condition attached to the preliminary accreditation or any amendment to those conditions,

specifying the date on which the granting or withdrawal of preliminary accreditation is to take effect and, where applicable, the date on which any conditions (or amendments to those conditions) attached to the preliminary accreditation are to take effect.

(13) In paragraph (1), the reference to a person who proposes to construct an eligible installation includes a person who arranges for the construction of the eligible installation.

(14) This regulation does not apply to a plant which will generate heat using—

- (a) a solar collector;
- (b) a ground source heat pump with an installation capacity below 100kWth or an air source heat pump with an installation capacity below 45kWth;
- (c) a shared ground loop system with an installation capacity below 100kWth; or
- (d) solid biomass or solid biomass contained in waste, provided that the plant will have an installation capacity below 200kWth.