

EXPLANATORY MEMORANDUM TO
THE RENEWABLE HEAT INCENTIVE SCHEME REGULATIONS 2018
2018 No. 611

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Business, Energy and Industrial Strategy and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument makes changes to the Non-domestic Renewable Heat Incentive scheme (“Non-domestic RHI”) by revoking and remaking, with amendments, the Renewable Heat Incentive Scheme Regulations 2011 (as amended). This follows consultation on the reform of both the Domestic Renewable Heat Incentive (“Domestic RHI”) and Non-domestic RHI schemes in spring 2016, a consultation on support for biomass combined heat and power (CHP) in the Non-domestic RHI in early 2017 and a consultation on further proposed amendments to the Non-domestic RHI in autumn 2017. A number of amendments are made, including to: the scheme eligibility criteria; methods for calculating and issuing scheme payments; budget control mechanisms; powers to impose sanctions for non-compliances under the scheme; and the levels of tariffs for making payments to scheme participants. These amendments are made to reform the RHI in line with the Department’s objectives to ensure it focusses on long-term decarbonisation, promotes technologies with a credible role to play in that transition, and offers better value for money.
- 2.2 This instrument also consolidates a number of amendments made previously to the Renewable Heat Incentive Scheme Regulations 2011.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 Disregarding minor or consequential changes, the territorial application of this instrument includes Scotland.

4. Legislative Context

- 4.1 This instrument consolidates the amendments which have been made to the Renewable Heat Incentive Scheme Regulations 2011 and introduces amendments to the Non-domestic RHI scheme in line with the Government’s responses to the consultations: [The Renewable Heat Incentive – A reformed and refocused scheme](https://www.gov.uk/government/consultations/the-renewable-heat-incentive-a-reformed-and-refocused-scheme)¹, published on 3rd March 2016; [The Renewable Heat Incentive: support for biomass](#)

¹ <https://www.gov.uk/government/consultations/the-renewable-heat-incentive-a-reformed-and-refocused-scheme>

[Combined Heat and Power](#)², published on 10th February 2017; and [The Non-domestic Renewable Heat Incentive: Further Proposed Amendments](#)³, published on 5th September 2017. Some of the amendments informed by the first consultation listed were introduced by the Renewable Heat Incentive Scheme and Domestic Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2017 (S.I. 2017/857) and the explanatory memorandum to that instrument provides additional detail. This instrument is being introduced alongside the Domestic Renewable Heat Incentive Scheme (Amendment) Regulations 2018 (2018 No. 610), which introduce changes to the Domestic RHI by amending the Domestic Renewable Heat Incentive Scheme Regulations 2014 (as amended).

- 4.2 The Non-domestic RHI was introduced in November 2011 and is open to producers of biomethane for injection into the gas grid and to renewable heat installations that provide heat to buildings and for purposes other than heating a single domestic property. This includes, for example, systems providing renewable heating to public buildings or commercial properties, for industrial or agricultural uses, or for heating a block of flats. The Domestic RHI followed in April 2014, and is open to renewable heat installations that provide heat to single domestic properties. The schemes aim to facilitate and encourage the transition from conventional forms of heating to low-carbon alternatives. The RHI provides financial incentives to households and non-domestic consumers, including public bodies and charities, to help bridge the gap between the cost of renewable heating systems and the conventional alternatives.
- 4.3 The Autumn Statement in November 2015 confirmed the budget for the RHI to the end of the Spending Review period in 2020/21 and the reforms to the scheme are made to extract best value for money from this budget.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is Great Britain.
- 5.2 The territorial application of this instrument is Great Britain.

6. European Convention on Human Rights

- 6.1 The Rt Hon Claire Perry MP, Minister of State for Energy and Clean Growth, has made the following statement regarding Human Rights:

“In my view the provisions of the Renewable Heat Incentive Scheme Regulations 2018 are compatible with the Convention rights.”

7. Policy background

What is being done and why

- 7.1 The RHI scheme was introduced under the powers afforded to the Secretary of State by the Energy Act 2008. It was introduced to deliver carbon emissions reductions to help the UK meet its obligations under the Climate Change Act 2008 and the Carbon Budgets established under this Act, and to help the UK meet its target under Directive 2009/28/EC (the “Renewable Energy Directive”) that 15% of energy consumption is

² <https://www.gov.uk/government/consultations/renewable-heat-incentive-support-for-biomass-combined-heat-and-power>

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642092/The_non-dom_Renewable_Heat_Incentive_further_Proposed_Amendments_Consultation_-_FINAL_for_publication.pdf

to come from renewable sources by 2020. The Government intends that the renewable heat generated under the RHI will make a significant contribution to these obligations.

- 7.2 Section 100 of the Energy Act 2008 makes provision for the Secretary of State to make regulations which establish a scheme to facilitate and encourage the renewable generation of heat and govern the administration of the scheme and the calculation of payments to participants. The Government expects the scheme to deliver over 21 terawatt hours (TWh) of renewable heat in 2020/21, with over 5TWh from deployment following these reforms. Furthermore, the Government expects the scheme (the Non-domestic and Domestic RHI combined) to deliver over 35 megatonnes of carbon abatement during each of the periods of the fourth and fifth Carbon Budgets, with around 12 megatonnes of abatement delivered by deployment following these reforms.
- 7.3 The Domestic and Non-domestic schemes operate by making subsidy payments to owners of eligible renewable heat technologies and producers of biomethane (in the Non-domestic scheme only) for the renewable heat generated or biomethane injected into the grid.
- 7.4 These Regulations make a number of changes to the existing Non-domestic RHI scheme, in line with the Department's objectives to ensure it focusses on long-term decarbonisation, promotes technologies with a credible role to play in that transition, and offers better value for money.
- 7.5 Since its launch in 2011, spending in support of deployment of biomass boiler systems has dominated the Non-domestic scheme, particularly in support of smaller scale systems. Other than biomass, there has also been a high level of spending in support of systems making use of anaerobic digestion, either for the production of biogas for combustion, or for the production of biomethane for injection to the gas grid. A high proportion of the biogas required for this has been produced using feedstocks derived from crops, and to a much lesser degree from feedstocks derived from wastes and residues. The reforms (summarised below) will amend the scheme with the intention of rebalancing further deployment supported under the scheme in order to further the objectives outlined in paragraph 7.4 above.
- 7.6 The reforms will introduce a process of "tariff guarantees" to give applicants greater certainty about the level of support ('tariff') they will be eligible to receive in respect of heat or biomethane production earlier in their project lifecycle. At present, applicants cannot be accepted onto the scheme until they have commissioned their project or, in the case of biomethane production, commenced injection into the gas grid. This means there can be a significant period between an investor making a decision to build a system and this system becoming eligible to receive support through the scheme, while the system is designed and built. During this period, there is the potential for the scheme's automatic budget management rules (see paragraph 7.18 below) to reduce the tariff available for the project once it has been commissioned or injection has commenced. The Government understands this has impacted on investor confidence and reduced the number of larger projects that have come forward through the scheme. This is important because larger projects can often offer higher value for money, due to economies of scale. Under the new process applicants will be able to gain a guarantee as to the tariff level for which their system will be eligible upon submitting evidence of having reached 'financial close', the point at which funding is effectively committed to the project, for example through

the agreement of a loan. This guarantee will also protect the applicant from scheme closure under the budget cap. Such tariff guarantees will be available to applicants for specified technologies and applicants for other technologies where the system exceeds a specified size, and will be contingent on certain conditions being met.

- 7.7 For budget management purposes successful tariff guarantee applications are treated as fully committing a share of scheme budget. Existing budget controls (which rely on tariff reductions (see paragraph 7.18), or closing either tariff guarantees or the whole scheme to new applications) will not work fast enough to ensure that a sudden rush of tariff guarantee applications does not exceed the available budget. These regulations therefore include a new budget control mechanism whereby the Office of Gas and Electricity Markets (Ofgem), which administers the RHI schemes, will close the tariff guarantee application process if there is insufficient budget in any of the relevant financial years. The budget limit for tariff guarantees will be published by the Department, starting at half of the remaining budget headroom for the scheme as a whole. This limit may be updated periodically based on the latest budget availability.
- 7.8 The reforms make a number of changes to the tariffs. First, the tariffs available in support of biomethane production will be reset to the levels available between April and June 2016, adjusted for inflation. This reverses reductions to the tariff made automatically under the scheme's budget management rules (see paragraph 7.18). The revised tariffs are to reflect the Government's current view of the support necessary to stimulate further biomethane production.
- 7.9 The tariffs for biogas combustion systems will be reset to the levels available between October and December 2016, adjusted for inflation, also reversing previous tariff reductions. Again, this is to ensure the tariffs reflect the Government's current view of the support necessary to stimulate further deployment of biogas plant.
- 7.10 The reforms will introduce an annual requirement that new participants who are producing biogas from anaerobic digestion, either for combustion or for conversion to biomethane and subsequent injection into the gas grid, must produce at least 50% of their biogas from waste or residue, in order for all the biogas produced or biomethane injected to be eligible for subsidy support. Where the amount of biogas produced from feedstocks that are not wastes or residues, such as crop-based feedstocks, is in excess of 50% of the total biogas produced, this excess will not be eligible for support. The requirement reflects the Government's view that biogas technologies, like biomethane production, should make use of available feedstocks, such as wastes, to produce low carbon fuels which can be used in a flexible manner. The use of other feedstocks, such as crops, has greater potential impacts on land, such as competition with food production and reduced soil and water quality, and typically does not deliver carbon abatement as cost-effectively.
- 7.11 New arrangements are being introduced in support of ground source heat pumps (GSHPs) making use of a shared ground loop. GSHPs generate heat from energy absorbed from the ground, which is collected using a ground loop. Multiple GSHPs in individual properties, making use of a shared ground loop, can be a practical and cost effective way of decarbonising heat in buildings. Under the current arrangements such systems are eligible for support under the scheme but the Government believes that the metering requirements under the Non-domestic scheme rules have acted as a barrier to the deployment of such systems in domestic properties. In order to support investment in this technology, where a shared ground loop system supplies heat to

domestic properties, payment will be made on the basis of the estimated heat demand of each property, as it is in the Domestic RHI scheme. Also in reflection of the Domestic RHI requirements, GSHPs providing heat to domestic properties as part of a shared ground loop system will be required to have electricity metering in place alongside their heating system. This is to provide more information to consumers to allow them to engage more effectively with their heat pumps and help protect against poor performance and excessive electricity bills.

- 7.12 Only certain heat uses are eligible for support under the scheme and, following the implementation of these reforms, heat which is used to dry digestate (a by-product of anaerobic digestion that can be used in agriculture) will no longer be an eligible heat use. This represents the Government's view that support for this heat use may promote digestate drying that does not lead to the best use of that digestate, and may result in overcompensation.
- 7.13 The drying of wood-fuel will also no longer be an eligible heat use, except in specified circumstances. These circumstances include where: the RHI plant replaces a fossil fuel heat source that was previously being used to dry wood-fuel; or the development of the plant commenced before the date of publication (29th January 2018) of the [Government response](#)⁴ to the eligible heat use chapter in the consultation on further proposed amendments to the Non-domestic RHI and the plant is installed and commissioned within six months of these regulations coming into force. This change is being made because the Government considers that continued RHI support for wood-fuel drying does not represent good value for money.
- 7.14 For the same reason, the RHI will no longer support the drying, cleaning or processing of industrial, commercial or municipal waste, or the heating of swimming pools not used for municipal or commercial purposes. These regulations will also make clear that the Non-domestic RHI will not provide support where the heat is predominantly for use in a single domestic property, unless heat is being provided to multiple domestic properties.
- 7.15 The Government published a consultation from 10th February to 10th March 2017 to gather stakeholder views on the introduction of a 20% minimum power efficiency requirement for biomass combined heat and power (CHP) plant. These regulations give effect to the Government's decision to introduce a 20% power efficiency threshold requirement for biomass CHP plant in order to access the full biomass CHP tariff.
- 7.16 New applicants to the scheme will be required to obtain and maintain all necessary planning permissions in order to be eligible for support under the scheme. This requirement will ensure that plant or equipment built or operated unlawfully, without the necessary planning permission, are not supported by the RHI, safeguarding the proper use of public funds.
- 7.17 Amendments are made to Ofgem's enforcement powers for the Non-domestic RHI scheme. These include amendments and additional powers in relation to: Ofgem's ability to reject an application if it is not satisfied a plant will meet its ongoing obligations; specifying where Ofgem may impose sanctions and clarifying the responsibility on the applicant or participant to demonstrate compliance; powers in

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/677485/RHI_Eligible_Heat_Use_Government_Response.pdf

relation to site audits and rejection of applications where access for a site audit has been unreasonably withheld; the rejection of future applications from persons who have previously misled Ofgem; and reducing the period of time that Ofgem must wait for evidence to be provided before an application can be rejected. These amendments are all intended to increase scheme compliance and provide greater protection to public funds, while reducing operational costs and burden to Ofgem.

- 7.18 The reforms also make changes to the scheme’s budget management rules, which reduce the tariffs available to new applicants when certain conditions are met. These mechanisms control the spending both on individual technology types and on the scheme as a whole. Tariff reductions (referred to as tariff “degressions”) are triggered when specified thresholds for forecast expenditure or growth in forecast expenditure are exceeded. The reforms will not alter this overall framework but will introduce changes designed to simplify the rules and improve transparency, and reflect learning from the scheme’s operation so far. In particular, the changes will aim to remove the potential for the rules to continue to reduce tariffs even after deployment has slowed down.

Consolidation

- 7.19 Alongside the changes outlined above, the new Regulations consolidate a number of amendments made previously to the Renewable Heat Incentive Scheme Regulations 2011.

8. Consultation outcome

- 8.1 The changes outlined in section 7 were informed by three consultations. The first set out proposals relating to both the Non-domestic and Domestic RHI schemes: [The Renewable Heat Incentive – A reformed and refocused scheme](#)⁵. The consultation ran from 3rd March to 27th April 2016 and received 370 responses from individuals, businesses, trade bodies and other organisations. The Government Response to the consultation can be found here: [The Renewable Heat Incentive: A Reformed Scheme](#)⁶. Responses to this consultation raised a number of questions not consulted on and, as a result, a further consultation was published, running from 5th September to 31st October 2017: [The Non-domestic Renewable Heat Incentive: Further Proposed Amendments](#)⁷. This consultation received 108 responses. In early 2017 the Government also consulted on changing the rules governing access to the biomass CHP tariff. That consultation ran from 10th February to 10th March 2017 and the consultation and Government Response can be found via the [GOV.UK website](#)⁸. This consultation received 33 responses and the relevant points from all three consultations for the content of this instrument are summarised below.
- 8.2 In response to questions relating to tariff guarantees, there was strong support for the use of installation size as a criterion for determining eligibility for tariff guarantees for

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/505972/The_Renewable_Heat_Incentive_-_A_reformed_and_refocused_scheme.pdf

⁶https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577024/RHI_Reform_Government_response_FINAL.pdf

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642092/The_non-dom_Renewable_Heat_Incentive_further_Proposed_Amendments_Consultation_-_FINAL_for_publication.pdf

⁸ <https://www.gov.uk/government/consultations/renewable-heat-incentive-support-for-biomass-combined-heat-and-power>

some technologies, with 93% of respondents supporting this, and 65% supporting the capacity limits suggested in the consultation. Regarding the tariff guarantee application process, there were 89 responses with the majority agreeing the proposed process was broadly reasonable. On the basis of responses received and further consideration, the Government has made minor amendments to the process for applying for tariff guarantees laid out in the consultation.

- 8.3 A large majority (87%) of respondents supported the proposal to reset the biomethane tariffs. However, around 49% of respondents disagreed with the Government's consultation proposal not to amend the tariffs available in support of biogas combustion. Following the high level of depressions for biogas tariffs during the course of 2016 and 2017, the Government has decided tariff levels will be reset to October 2016 levels, adjusted for inflation, from the date the Regulations come into force.
- 8.4 In response to questions addressing the Government's proposals regarding feedstocks for use in biogas production, 50% of respondents agreed that the use of waste-based feedstocks in anaerobic digestion resulted in more cost effective carbon saving than the use of crop-based feedstocks, while 43% maintained that anaerobic digestion of crops was also able to provide cost effective carbon abatement. However, the Government retains the view that biogas derived from wastes and residues is more likely to achieve better value carbon saving than other feedstocks, such as purpose grown energy crops.
- 8.5 The consultation proposed two options for limiting payments to participants in support of biogas not derived from wastes or residues, with 78% supporting the Government's preferred approach, as outlined in paragraph 7.10 above.
- 8.6 In response to questions regarding support for ground source heat pumps (GSHPs) making use of a shared ground loops, 51% of respondents thought that these systems should be supported under the Domestic RHI and 60% thought that they should be supported under the Non-domestic RHI, with some respondents suggesting that applicants in respect of such systems should be able to choose to apply through either scheme. Based on evidence received, the Government believes that support through the Non-domestic scheme using estimated heat demand for payments in respect of domestic properties will improve investment confidence and will also offer the greatest flexibility for a range of shared ground loop system projects to be developed.
- 8.7 The majority of respondents supported the consultation proposal that shared ground loop systems be eligible to receive the same tariff as individual GSHP systems, and the majority of respondents did not believe the proposals relating to shared ground loop systems would increase the risk of overcompensation.
- 8.8 A small majority (55%) supported the proposal to make the use of heat to dry digestate an ineligible heat use (see paragraph 7.12), agreeing that the use of heat in this way potentially allows operators of anaerobic digestion plant producing biogas and digestate to maximise their RHI payments by using heat produced from biogas combustion to dry digestate, with the efficient and effective use of digestate drying being a secondary consideration. Respondents who disagreed with the proposal put forward a range of arguments to support digestate drying. The Government acknowledges that, when done sensitively, drying digestate can improve the quality of the digestate and enhance its application for on-farm uses and more widely. However, of the options put forward, none were likely to be implemented effectively

without significantly adding to scheme complexity. Evidence suggests that RHI payments may in fact be causing drying activity which is unnecessary, reducing the quality of digestate for use as a fertiliser, contributing to wider environmental impacts such as the release of ammonia, and overcompensating owners.

- 8.9 Concerns that some installations are deliberately adopting inefficient or excessive drying practices designed to maximise Non-domestic RHI payments were raised in response to the 2016 consultation. There were also concerns regarding installations claiming RHI payments for circular uses of heat, whereby heat is used to dry wood which is then used in the boiler to produce more heat for further fuel drying. A further consultation in September 2017 therefore proposed removing eligibility for drying in the RHI and also sought views on a range of more targeted options, including removing eligibility of specific drying types. In response to the September 2017 consultation, a significant number of respondents (83%) argued that removing all drying was inconsistent with both the original aims of the Non-domestic RHI and the reforms announced in December 2016. Others stated that abatement of fossil fuel use for drying and process heat is essential for meeting the Government's carbon reduction ambitions. Many put forward the view that this was particularly the case where the renewable heating installation would replace an existing fossil fuel source.
- 8.10 Wood-fuel drying was a particular focus for respondents with consultation responses and reports from stakeholders suggesting some installations are using inefficient drying practices, over-drying and circular drying, all aimed at maximising RHI payments and that some of the woodfuel drying would not take place in the absence of RHI subsidy (i.e., it is not displacing fossil fuels). All of these practices raise concerns about value for money. The Government has therefore decided to remove RHI support for wood-fuel drying. However, wood-fuel drying will continue to be eligible where it can be evidenced that such drying has previously been carried out with a fossil fuel source. The regulations also allow continued support for wood-fuel drying for a six month transition period for projects which can demonstrate they had already invested in a wood-fuel drying project at the point the Government response was published on 29th January 2018.
- 8.11 The consultation asked whether the drying of industrial or municipal waste should receive support under the Non-domestic RHI. While a small number of consultation responses referenced emerging waste recovery processes that may benefit from support from the RHI scheme, detailed comments provided in response to the consultation expressed general support for the Government's proposal that waste drying should be removed as an eligible heat use. The Government is concerned that, overall, there are few benefits to allowing waste to be dried by RHI-supported installations and has therefore decided that waste drying should be ineligible for RHI support. The Government has decided to extend the exclusion of RHI support to practices that are described by applicants as cleaning or processing waste. This is to avoid scenarios where, for example, an applicant could claim that they are not drying waste but cleaning or processing it.
- 8.12 54% of those who responded to the 2017 consultation agreed that support to swimming pools in the Non-domestic RHI should be restricted. 27% disagreed, with the remainder not answering. Feedback also reflected concern that in some cases swimming pools were being heated excessively or inefficiently. The Government is therefore removing RHI support where the swimming pool is not heated for commercial or municipal use.

- 8.13 A small majority of respondents supported the proposal to introduce an explicit requirement that applicants must have in place all relevant planning permissions in order to be eligible to receive support under the scheme (see paragraph 7.16). The main concerns regarding the introduction of this requirement were: that it may take some technologies longer to obtain permissions than others; that certain permits issued by the local authority might not be available until the project is about to become operational; and that this would create an extra administrative burden. After taking into account the concerns raised and the risk to the scheme, the Government believes that introducing this requirement in a light-touch manner strikes the right balance between avoiding unnecessary burden and ensuring the proper use of taxpayers' money.
- 8.14 The 2016 consultation posed a broad question regarding the RHI budget management rules (which are discussed in paragraph 7.18), which also covered the Domestic RHI scheme, asking if respondents agreed with the proposed policy approach. A common theme of the responses in relation to the Non-domestic RHI scheme was that the existing degression rules have led to too many tariff reductions on technologies that are no longer growing in deployment. The Government has responded to this with the revised proposals included in these regulations, which aim to remove the potential for the rules to continue to lead to reductions in tariffs after deployment has slowed down.
- 8.15 In August 2016 the Government introduced a change in the support arrangements for new biomass combined heat and power (CHP) plant joining the Non-domestic RHI scheme from 1st August 2016. The change added a new requirement for biomass CHP plant to achieve a 20% minimum power efficiency in order to qualify for the biomass CHP tariff for all eligible heat use. This was introduced because a high proportion of plant applying for the Non-domestic RHI biomass CHP tariff were plant which produced a relatively low level of power compared to their heat output. The Government was concerned that such plant do not necessarily face the significantly higher capital costs and/or deliver the comparatively efficient use of biomass that the biomass CHP tariff is intended to reflect. The minimum power efficiency threshold was subsequently reduced to 10% from 1st January 2017 for a transitional period, following engagement with stakeholders.
- 8.16 The Government then published a [consultation](#)⁹ from 10th February to 10th March 2017 to gather additional stakeholder views on its approach. There were 33 responses to the consultation. While there was broad support for limiting access to the biomass CHP tariff for plant which produce only a small amount of power (81% agreed) and broad support for a power efficiency requirement (80% agreed) the question of whether the power efficiency should be set at 20% received a mixed response (71% disagreed). The Government has decided to implement a 20% power efficiency threshold requirement through these regulations. The way in which support under the biomass CHP tariff is calculated means there is no plant revenue “cliff edge” for biomass CHP plant which have power efficiencies below 20%. Projects with power efficiencies below 20% will continue to benefit from the higher biomass CHP tariff uplift for a proportion of the heat they generate. The higher biomass CHP tariff is intended to reflect the higher costs faced by biomass CHP plant compared with biomass heat-only plant, and also to recognise the benefits, in terms of efficient use of

⁹ <https://www.gov.uk/government/consultations/renewable-heat-incentive-support-for-biomass-combined-heat-and-power>

biomass resources, such plant can deliver. The Government is also concerned about the risk of over-compensation if plants producing lower levels of power, which face relatively lower capital costs, are given full access to the biomass CHP tariff.

9. Guidance

- 9.1 The Government Responses to the consultations explain the amendments in detail and provide clarification of the changes to the scheme eligibility criteria. Ofgem, which administers the RHI schemes, will also publish supporting guidance that will provide further information for scheme applicants, participants and installers.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies, given the RHI is a voluntary scheme.
- 10.2 There is no impact on the public sector, given the RHI is a voluntary scheme.
- 10.3 An Impact Assessment is submitted with this memorandum and will be published alongside the Explanatory Memorandum on the legislation.gov.uk website.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 The Department will undertake an evaluation of the reformed RHI scheme following the introduction of these reforms. The evaluation will assess the impact of the scheme and identify lessons for future policy development. The evaluation will include assessment of the reformed RHI's impact on renewable heat generation, carbon abatement and contribution towards the development of a sustainable market. Regular monitoring data and evidence review reports are expected throughout the evaluation (2017-2021), with a published report after scheme close. The details of the evaluation will be confirmed later in 2018.

13. Contact

- 13.1 Neal Stewart at the Department for Business, Energy and Industrial Strategy, Telephone: 0300 068 5585 or email: neal.stewart@beis.gov.uk, can answer any queries regarding the instrument.