



# Green Energy (Definition and Promotion) Act 2009

## CHAPTER 19

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# Green Energy (Definition and Promotion) Act 2009

## 2009 CHAPTER 19

An Act to define the term “green energy”; to promote its development, installation and usage; and for connected purposes. [12th November 2009]

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 1 Definition and promotion of green energy

- (1) The principal purpose of this Act is to promote green energy.
- (2) In this Act “green energy” means—
  - (a) the generation of electricity or heat from renewable or low-carbon sources by the use of any equipment, the capacity of which to generate electricity or heat does not exceed the capacity specified in subsection (3); and
  - (b) energy efficiency measures.
- (3) That capacity is—
  - (a) in relation to the generation of electricity, 5 megawatts;
  - (b) in relation to the generation of heat, 5 megawatts thermal.
- (4) In carrying out any function under this Act, the Secretary of State must have regard to—
  - (a) the principal purpose set out in subsection (1);
  - (b) the desirability of alleviating fuel poverty; and
  - (c) the desirability of securing a diverse and viable long-term energy supply.

## 2 Microgeneration strategy

- (1) The Secretary of State must prepare and publish a strategy for the promotion of microgeneration in England.
- (2) Before preparing the strategy, the Secretary of State must consult—
  - (a) persons who appear to the Secretary of State to represent the producers and suppliers of equipment for microgeneration; and
  - (b) any other persons whom the Secretary of State thinks it appropriate to consult.
- (3) Consultation under subsection (2) must begin within 6 months beginning with the coming into force of this Act.
- (4) The Secretary of State must publish the strategy within 6 months beginning with the end of the consultation.
- (5) In preparing the strategy, the Secretary of State must—
  - (a) consider the contribution that is capable of being made by microgeneration to the matters specified in section 82(3) of the Energy Act 2004 (microgeneration strategy for Great Britain); and
  - (b) have regard to any other strategy published by the Secretary of State on or after 1st July 2009 in so far as it relates to the generation of electricity or heat from renewable or low-carbon sources.
- (6) The Secretary of State must take reasonable steps to secure the implementation of the strategy.
- (7) In this section—
  - “microgeneration” has the meaning given by section 82 of the Energy Act 2004, but as if in subsection (8) of that section for “45 kilowatts thermal” there were substituted “300 kilowatts thermal”;
  - “renewable or low-carbon source” means a source of energy or technology specified in section 82(7) of the Energy Act 2004.

## 3 Microgeneration: dwellinghouses

- (1) The Secretary of State must amend the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (the “GPDO”), in relation to England, to provide for the grant of planning permission for specified classes of equipment for microgeneration on, or within the curtilage of, a dwellinghouse.
- (2) The classes of equipment for microgeneration specified by virtue of subsection (1) must be or include wind turbines and air source heat pumps.
- (3) “Specified” in subsections (1) and (2) means specified in the GPDO.
- (4) The amendment mentioned in subsection (1) must be made within 6 months beginning with the coming into force of this Act.
- (5) Provision by virtue of subsection (1) may grant planning permission subject to limitations, exceptions or conditions.
- (6) The Secretary of State must review the effect of the amendment of the GPDO as soon as reasonably practicable after the end of 2 years beginning with the date on which the amendment comes into force.

- (7) In this section “microgeneration” has the meaning given by section 82 of the Energy Act 2004.

#### **4 Microgeneration: non-domestic land**

- (1) The Secretary of State must consider amending the GPDO for the purpose of facilitating the installation of equipment for microgeneration on non-domestic land in England.
- (2) In subsection (1) “non-domestic land” means buildings, or other land, other than a dwellinghouse or land within the curtilage of a dwellinghouse.
- (3) Consideration under subsection (1) must begin within 6 months beginning with the coming into force of this Act.
- (4) The Secretary of State must, as soon as reasonably practicable, lay a report before Parliament setting out the outcome of the consideration under subsection (1).
- (5) In considering what, if any, amendments should be made to the GPDO, the Secretary of State—
  - (a) must have regard to the results of any relevant consultation which has been carried out by the Secretary of State in relation to the GPDO; and
  - (b) may carry out further consultation if the Secretary of State thinks it appropriate.
- (6) In this section “microgeneration” has the same meaning as in section 3.

#### **5 Interpretation**

In this Act—

- “dwellinghouse” includes a building which consists wholly of flats;
- “energy efficiency measure” means a measure to improve efficiency in the use by consumers of electricity, gas or any other source of energy;
- “equipment” means anything which is plant for the purposes of section 82(6) of the Energy Act 2004;
- “fuel poverty” has the meaning given by section 1 of the Warm Homes and Energy Conservation Act 2000;
- “the GPDO” has the meaning given by section 3(1);
- “renewable or low-carbon source” has the meaning given by section 2(7).

#### **6 Short title, commencement and extent**

- (1) This Act may be cited as the Green Energy (Definition and Promotion) Act 2009.
- (2) This Act comes into force at the end of 2 months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales only.