
STATUTORY INSTRUMENTS

2021 No. 1335

The Green Gas Support Scheme Regulations 2021

PART 3

Ongoing obligations on participants

Ongoing participant obligations: general

10.—(1) A participant must comply with the following ongoing participant obligations, as applicable—

- (a) they must keep and provide upon request by the Authority records of the type of feedstock used and fuel purchased while they are a participant,
- (b) where they have used solid biomass which was an approved sustainable fuel at the time when it was received by the participant or in respect of which the Secretary of State had made a declaration under paragraph 5 of Schedule 2 (approval of schemes for listing sustainable fuels), they must keep and provide upon request by the Authority the authorisation number or other means of identification allocated to that fuel by the scheme under which that fuel is listed,
- (c) they must submit an annual declaration as requested by the Authority confirming that they are complying with the relevant ongoing participant obligations,
- (d) they must notify the Authority if any of the information provided in support of their application for registration was incorrect,
- (e) they must comply with any condition attached to their registration,
- (f) they must allow the Authority or its authorised agent reasonable access in accordance with regulation 36 (power to inspect equipment),
- (g) they must notify the Authority as soon as reasonably practicable and within no more than 28 days after ceasing to comply with an ongoing participant obligation or becoming aware that they will not be able so to comply, or where there has been any change in circumstances which may affect their eligibility to receive periodic support payments,
- (h) they must repay any overpayment in accordance with any notice served under regulation 34 (overpayment notices and offsetting),
- (i) they must comply with such other requirements as the Authority may specify in relation to the effective administration of the Scheme,
- (j) they must ensure, in respect of the processes by which the biogas used to produce the biomethane is produced, the biogas is upgraded to biomethane, and the biomethane is injected—
 - (i) that any necessary planning permission required under regulation 6(5)(c) continues to be complied with,
 - (ii) that, unless regulation 6(5)(d)(ii) applies, any necessary environmental permit granted in accordance with the Environmental Permitting (England and Wales) Regulations 2016 or the Pollution Prevention and Control (Scotland) Regulations

2012, and any necessary waste management licence granted in accordance with the Waste Management Licensing (Scotland) Regulations 2011, continues to be complied with, and

- (iii) that all local and national laws including those relating to the protection of the environment continue to be complied with,
- (k) where regulation 28 (reconciliation payments) applies, the participant must comply with the following obligations in relation to each payment year (within the meaning of that regulation)—
 - (i) the participant must provide a declaration to the Authority following the end of each payment year stating the proportion of the total biogas yield for that payment year which is not derived from waste or residue, and
 - (ii) the annual report submitted by the participant in accordance with regulation 13 (obligation to submit sustainability audit reports) must confirm whether the figure provided by the participant under paragraph (i) is correct, together with supporting evidence to show how it is calculated, and
 - (l) they must notify the Authority within 28 days of a change of ownership of all or part of the equipment used to produce biomethane.
- (2) A participant must keep all meters required to be used in accordance with these Regulations—
 - (a) continuously operating,
 - (b) properly maintained and periodically checked for errors,
 - (c) re-calibrated every 10 years, or within such period of time as may be specified in accordance with manufacturers' instructions where available, whichever is the sooner, and
 - (d) located, maintained, and serviced in accordance with any conditions specified in the manufacturers' instructions,and must retain evidence of this while they are a participant.