
STATUTORY INSTRUMENTS

2021 No. 1335

The Green Gas Support Scheme Regulations 2021

PART 3

Ongoing obligations on participants

Ongoing participant obligations: sustainability

- 12.**—(1) A participant must only produce for injection sustainable biomethane.
- (2) A participant must—
- (a) in relation to each consignment of biomethane produced, provide the Authority with a declaration in accordance with paragraphs (3) and (4), and
 - (b) provide any declarations and information required under paragraph (8).
- (3) A declaration must state whether or not—
- (a) any solid biomass used to produce the biomethane was waste or wholly derived from waste,
 - (b) the biomethane produced was made from feedstock which was waste,
 - (c) the biomethane produced met the greenhouse gas criteria, and
 - (d) the biomethane produced was made from feedstock which was solid biomass which met the land criteria.
- (4) Where a participant declares in accordance with paragraph (3)(c) that biomethane met the greenhouse gas criteria, the declaration must specify the lifecycle greenhouse gas emissions for that biomethane.
- (5) Except where the Authority specifies otherwise, participants must provide declarations and information in accordance with this regulation in respect of the biomethane produced in every quarter, within 28 days of the end of each such quarter.
- (6) Where in a quarter a participant produces biomethane for injection, the participant must provide the following information in relation to the solid biomass used—
- (a) the material from which the solid biomass was composed,
 - (b) the form of the solid biomass,
 - (c) its mass,
 - (d) whether the solid biomass was a by-product of a process,
 - (e) whether the solid biomass was derived from waste,
 - (f) where the solid biomass was plant matter or derived from plant matter, the country where the plant matter was grown,
 - (g) where the information specified in sub-paragraph (f) is not known or the solid biomass was not plant matter or derived from plant matter, the country from which the participant obtained the solid biomass,

- (h) whether any of the solid biomass used was an energy crop or derived from an energy crop and if so—
- (i) the proportion of the consignment which was or was derived from the energy crop, and
 - (ii) the type of that energy crop,
- (i) whether the solid biomass or any matter from which it was derived was certified under an environmental quality assurance scheme and, if so, the name of the scheme,
- (j) where the solid biomass was plant matter or derived from plant matter, the use to which the land on which the plant matter was grown has been put since 30th November 2005, if known.
- (7) The information provided under paragraph (6) must be collated by reference to the following places of origin—
- (a) the United Kingdom,
 - (b) other.
- (8) In addition to the declaration in accordance with paragraphs (3) and (4) and information in accordance with paragraphs (6) and (7), the Authority may from time to time require such further declarations or information from a participant in relation to sustainable biomethane as the Authority considers necessary.
- (9) Nothing in paragraph (5) or (6) requires a participant to provide a declaration or information in relation to any part of a quarter during which they were not a participant.
- (10) For the purposes of this regulation—
- (a) biomethane produced from biogas meets the greenhouse gas criteria if the lifecycle greenhouse gas emissions associated with that biomethane are less than or equal to 24g of CO₂ eq per megajoule of biomethane injected, where lifecycle greenhouse gas emissions, expressed in grammes of CO₂eq per megajoule from the production of the biomethane, are calculated using the actual value method or the default value method published by the Secretary of State,
 - (b) “energy crop” means—
 - (i) a perennial crop planted at high density, the stems of which are harvested above ground level at intervals of less than 20 years and which is one of the following—
 - (aa) *Acer pseudoplatanus* (also known as sycamore),
 - (bb) *Alnus* (also known as alder),
 - (cc) *Betula* (also known as birch),
 - (dd) *Castanea sativa* (also known as sweet chestnut),
 - (ee) *Corylus avellana* (also known as hazel),
 - (ff) *Fraxinus excelsior* (also known as ash),
 - (gg) *Populus* (also known as poplar),
 - (hh) *Salix* (also known as willow),
 - (ii) *Tilia cordata* (also known as small-leaved lime), or
 - (ii) a perennial crop which is one of the following—
 - (aa) *Arundo donax* (also known as giant reed),
 - (bb) *Bambuseae*, where the crop was planted after 31st December 1989 and is grown primarily for the purpose of being used as fuel,
 - (cc) *Miscanthus*,

- (dd) Panicum,
 - (ee) Pennisetum, other than Pennisetum setaceum (also known as fountain grass), Pennisetum clandestinum (also known as kikuyu grass) and Pennisetum villosum (also known as feathertop grass),
 - (ff) Phalaris,
 - (c) “environmental quality assurance scheme” means a voluntary scheme which establishes environmental or social standards in relation to the production of biomass or matter from which biomass is derived,
 - (d) “land criteria” means—
 - (i) the criteria set out in Part 2 of Schedule 3 (land criteria) in relation to solid biomass which is wood or wholly derived from wood, except energy crops, or
 - (ii) the criteria set out in Part 3 of Schedule 3 in relation to other solid biomass including energy crops,
 - (e) “sustainable biomethane” means biomethane which, save for ingredients which are added as part of the biomethane production process—
 - (i) is made wholly from feedstock which is waste,
 - (ii) meets the greenhouse gas criteria and is made wholly from feedstock which is solid biomass which meets the land criteria, or
 - (iii) consists of a combination of any of the biomethane listed in paragraphs (i) and (ii).
- (11) For the purposes of paragraph (10)(a), the Secretary of State must publish a document setting out the actual value method and the default value method of calculating the lifecycle greenhouse gas emissions associated with biomethane produced from biogas.