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STATUTORY INSTRUMENTS

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**2021 No. 1335**

**The Green Gas Support Scheme Regulations 2021**

**PART 3**

**Ongoing obligations on participants**

**Ongoing participant obligations: biomethane**

9.—(1) A participant may only use biomethane which—

(a) is or was produced from one or more of the following feedstocks—

(i) solid biomass,

(ii) solid waste,

(iii) liquid waste, and

(b) is not gas formed by the digestion of material in a landfill.

(2) Where waste is used as feedstock, the proportion of solid biomass contained in the waste must be a minimum of 10%.

(3) For the purposes of paragraph (2), the proportion of solid biomass is the energy content of the waste used as feedstock in a quarter, less the energy content of any fossil fuel<sup>(1)</sup> of which that waste is in part composed, expressed as a percentage of the energy content of that waste.

(4) Where solid biomass is used as feedstock, the participant may use solid biomass contaminated with fossil fuel only where the proportion of fossil fuel contamination does not exceed 10%, but such contaminated biomass may not be used unless the fossil fuel is present because—

(a) the solid biomass has been subject to a process, the undertaking of which has caused the fossil fuel to be present in, on, or with the biomass even though that was not the object of the process, or

(b) the fossil fuel is waste and was not added to the solid biomass with a view to its being used as a fuel.

(5) For the purposes of paragraph (4), the proportion of fossil fuel contamination is the energy content of the fossil fuel with which the solid biomass used in a quarter is contaminated, expressed as a percentage of the energy content of all feedstock (contaminated or otherwise) used in that quarter.

(6) A participant may use feedstock partly derived from fossil fuel only where the contribution of that fossil fuel to the energy content of the biogas that is produced from that feedstock does not exceed 10%.

(7) For the purposes of paragraph (6)—

(a) the percentage of the energy content of biogas from the fossil fuel component of the feedstock is to be determined by the Authority for every quarter,

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<sup>(1)</sup> See section 100(3) of the 2008 Act for the definition of “fossil fuel”.

- (b) it is for the participant to provide, in such form as the Authority may require, evidence to demonstrate to the Authority's satisfaction the percentage of the energy content of biogas from feedstock derived from fossil fuel, and
  - (c) the percentage of the energy content of biogas from feedstock derived from fossil fuel is the energy content of the fossil fuel, expressed as a percentage of the energy content of the biogas used in that quarter to produce biomethane.
- (8) Without prejudice to paragraph (7)(b), in determining the percentage of the energy content of biogas from feedstock derived from fossil fuel, the Authority may have regard to any information (whether or not produced to it by the participant) if, in its opinion, that information indicates the contribution of feedstock derived from fossil fuel to the energy content of the biogas.
- (9) Where the Authority so requests, the participant must arrange—
- (a) for samples of the feedstock used (or to be used) to be taken by a person and analysed in a manner specified by the Authority, and
  - (b) for the results of that analysis to be made available to the Authority in such form as the Authority may require.
- (10) A participant must provide measurements in such format as the Authority may request which satisfy the Authority of all of the following—
- (a) the gross calorific value and volume of biomethane injected,
  - (b) the gross calorific value and volume of any propane contained in the biomethane,
  - (c) the kWh of biomethane injected, together with supporting meter readings and calculations,
  - (d) the kWhth of heat supplied to every anaerobic digester (other than heat contained in feedstock to produce biogas by anaerobic digestion) which made the biogas used in any quarter to produce biomethane for injection, and
  - (e) any heat supplied to the biomethane production process.
- (11) The measurements referred to in paragraph (10) may be estimated if the Authority has agreed in writing to an estimate being provided and to the way in which those estimates are to be calculated, provided that estimated measurements may only be used by a participant in relation to a maximum of six quarters.
- (12) A participant must keep, and provide to the Authority upon request—
- (a) copies or details of agreements with third parties with whom the participant contracts to carry out any of the processes undertaken to turn the biogas into biomethane and to arrange for its injection, and
  - (b) written evidence including invoices, receipts, contracts and such other information as the Authority may specify in relation to biogas purchased and feedstock used in the production of the biogas used to produce biomethane.
- (13) A participant must ensure, in relation to digestate generated from every anaerobic digester, that they comply with the following requirements—
- (a) they use low emission spreading of digestate as defined in the Code of Good Agricultural Practice (COGAP) for Reducing Ammonia Emissions(2), or
  - (b) where the participant contracts with another person to spread the digestate, that person complies with the relevant National Association of Agricultural Contractors standards or equivalent approved standards.

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(2) The Code can be viewed at: <https://www.gov.uk/government/publications/code-of-good-agricultural-practice-for-reducing-ammonia-emissions/code-of-good-agricultural-practice-cogap-for-reducing-ammonia-emissions>. It is not available in hard copy.

(14) Where the Secretary of State is satisfied that the standards of a scheme or body in relation to the low emission spreading of digestate are equivalent to the relevant National Association of Agricultural Contractors standards mentioned in paragraph (13)(b), the Secretary of State may approve those standards for the purposes of paragraph (13)(b), and “equivalent approved standards” means standards so approved.

(15) A participant must—

- (a) keep, and provide to the Authority upon request, copies or details of arrangements made to spread digestate, and
- (b) annually, and within 3 months after each anniversary of the date on which they were first registered as a participant, provide the Authority with a declaration which states that the participant has complied with the obligations in paragraph (13).