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Email: REDevelopment@ofgem.gov.uk

Date: 14 September 2015

Dear Stakeholder,

**CONSULTATION ON OFGEM E-SERVE'S DRAFT GUIDANCE –  
NORTHERN IRELAND RENEWABLES OBLIGATION: THE  
'ENABLING FINANCIAL DECISIONS' GRACE PERIOD GUIDANCE**

We are writing to inform you that our draft guidance: 'Northern Ireland RO: The 'enabling financial decisions' grace period guidance' has been published today for a four week consultation period. The draft guidance is provided in annex 1.

**We are inviting stakeholders to provide feedback on the draft guidance. The closing date for responding to the consultation is 12 October 2015.**

The draft guidance explains our proposed administration of the 'enabling financial decisions' grace period which opens for applications on 2 November 2015 and closes to applications on 5 January 2016. This grace period is only available to operators of generating stations in Northern Ireland using advanced conversion technologies (ACT) (standard and advanced gasification and pyrolysis). If granted, it will give operators the opportunity to apply for and gain accreditation under the NIRO after the closure date of 31 March 2017.

The guidance is based on the Department for Enterprise, Trade & Investment Northern Ireland (DETI's) RO Closure Order (Northern Ireland) 2015 which was laid on 8 September 2015. The Closure Order is expected to come into operation during October 2015. We intend to publish the final version of this guidance shortly after the consultation period ends. The Closure Order also introduces other grace periods but this document relates to the 'enabling financial decisions' grace period only as it is the only grace period that must be applied for before 31 March 2017.

The guidance has been drafted as if the Closure Order 2015 is already in force. If any changes are made to the legislation before it comes into force, we will amend the guidance document as appropriate.

This document does not take into account closure of the NIRO to onshore wind. A separate guidance document will be published in due course once the position becomes clear.

### How to respond

The purpose of this consultation is to gain your views on our proposed administration of the grace period and the process for applying. In responding to this consultation please answer the following questions:

- Question 1: Do you have any concerns relating to the proposed processes for administering the 'enabling financial decisions' grace period as set out in this document?
- Question 2: Are there any aspects of this guidance that could be made clearer or improved? If so, please provide specific comments including section references.
- Question 3: Are there any omissions in this guidance? If so, please provide comments.

### **Responses should be sent to either:**

[REDevelopment@ofgem.gov.uk](mailto:REDevelopment@ofgem.gov.uk) , or

RE Development Team  
Ofgem  
9 Millbank,  
London SW1P 3GE

Please be aware that this is not a consultation on the policy underpinning the NIRO, but on the clarity of the guidance document. Queries relating to the policy should be directed to DETI. Contact details can be found at: [www.decc.gsi.gov.uk](http://www.decc.gsi.gov.uk).

If you want your response to be kept confidential, please clearly mark the document/s to that effect and include your reasons for requesting confidentiality. (However, this may be subject to any obligations to disclose information, for example, under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004).

### Next steps

Once we have considered the responses to this consultation, we will publish the final guidance document as soon as possible after the RO Closure Order (Northern Ireland) 2015 has come into force.

**Until the Closure Order comes into force, stakeholders should refer to the current legislation and guidance.**

If you have any comments or concerns relating to how this consultation has been conducted please refer to annex 2 for details.

Yours sincerely,

**Renewable Electricity Development Team**  
**ofgem e-serve**

# Annex 1

## Draft guidance

### Northern Ireland Renewables Obligation: The 'enabling financial decisions' grace period guidance



# Northern Ireland Renewables Obligation: The 'enabling financial decisions' grace period

## Draft guidance

**Publication date:** 14 September  
2015

**Team:** Renewable Electricity

**Email:** [REDevelopment@ofgem.gov.uk](mailto:REDevelopment@ofgem.gov.uk)

### Overview

This draft guidance document is for operators of generating stations in Northern Ireland using advanced conversion technologies (ACT) (standard and advanced gasification and pyrolysis). It is for those that may apply for the 'enabling financial decisions' grace period introduced by the RO Closure Order (Northern Ireland) 2015. This document explains the application process and evidence requirements.

## Context

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The Renewables Obligation (RO) is designed to incentivise large-scale renewable electricity generation in the UK. The Gas and Electricity Markets Authority (the Authority) administers these schemes, whose day-to-day functions are performed by Ofgem.

The Northern Ireland RO scheme is administered by Ofgem in accordance with the Renewables Obligation (Northern Ireland) Order 2009 (as amended) on behalf of the Utility Regulator Northern Ireland (UREGNI) under an Agency Services Agreement.

The RO is scheduled to close to applications for new capacity on 31 March 2017. In anticipation of this, the Department of Energy and Climate Change (DECC) and the Scottish Government introduced grace periods for generating stations located in England, Wales and Scotland. If granted, these will give operators of generating stations the opportunity to apply for and gain accreditation under the RO after the closure date. The Northern Ireland Department of Enterprise, Trade & Investment (DETI) is now also introducing grace periods via the RO Closure Order (Northern Ireland) which was laid on 8 September 2015 and is expected to come into operation during October 2015.

This guidance document relates to the 'enabling financial decisions' grace period only as it is the only grace period that must be applied for before 31 March 2017.

This document should be read in conjunction with Chapter 3 of the Renewables Obligation: Guidance for Generators<sup>1</sup>, which provides full details on the process of seeking accreditation under the RO.

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<sup>1</sup> <https://www.ofgem.gov.uk/publications-and-updates/renewables-obligation-guidance-generators-1>

## Associated documents

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Readers should be aware of the following documents which support this publication:

### Policy and Legislation

- DETI Response to NIRO Closure Grace Periods Proposals in relation to non-wind renewable technologies ([http://www.detini.gov.uk/deti\\_response\\_to\\_niro\\_grace\\_period\\_consultation\\_for\\_non-wind\\_technologies.pdf](http://www.detini.gov.uk/deti_response_to_niro_grace_period_consultation_for_non-wind_technologies.pdf))
- The Renewables Obligation Closure Order (Northern Ireland) 2015 can be found at: [www.legislation.gov.uk](http://www.legislation.gov.uk)
- Renewables Obligation Order 2009, Renewables Obligation (Scotland) Order 2009 and Renewables Obligation Order (Northern Ireland) 2009, as well as their amendment orders for 2011, 2013 and 2014 can be found at: [www.legislation.gov.uk](http://www.legislation.gov.uk)

### Guidance

- Renewables Obligation: Guidance for Generators ([www.ofgem.gov.uk/ro](http://www.ofgem.gov.uk/ro))

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## Executive Summary

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A key aspect of Electricity Market Reform (EMR) is the transition from the Renewables Obligation (RO) Scheme, the current main support mechanism for large-scale renewable electricity generation, to Contracts for Difference (CFD), the new support mechanism for low-carbon electricity generation.

The RO is scheduled to close to new capacity on 31 March 2017. In anticipation of this, the Department of Energy and Climate Change (DECC) introduced grace periods for generating stations located in England, Wales and Scotland. If granted, these will give operators of generating stations the opportunity to apply for and gain accreditation under the RO after the closure date. DETI is now also introducing the following grace periods via the RO Closure Order (Northern Ireland) which was laid on 8 September 2015 and is expected to come into operation in October 2015:

- 'Enabling financial decisions' grace period: a 12 month grace period for Advanced Conversion Technologies (ACT, eg gasification and pyrolysis) projects that can demonstrate evidence of substantial financial decisions and investments made before the Relevant Date<sup>2</sup>, where the project is scheduled to commission on or before 31 March 2017.
- 'Preliminary accreditation' grace period: a 12 month grace period for Advanced Conversion Technologies (ACT, eg gasification and pyrolysis) which have been granted preliminary accreditation on or before 31 March 2015.
- 'Radar or grid connection delay' grace period: a 12-month grace period to address radar and grid connection delays, where the project is scheduled to commission on or before 31 March 2017.

This guidance document explained how we intend to administer the 'enabling financial decisions' grace period for Advanced Conversion Technologies (ACT, eg standard and advanced gasification and pyrolysis), as it is the only grace period that must be applied for before 31 March 2017. The remaining grace periods will be covered in an updated version of the [RO: Guidance on the transition period and closure of the RO](#), which currently only applies to stations in England, Wales and Scotland. It will be updated in 2016.

This document has been specifically created for the NI Renewables Obligation scheme. It is for guidance only and is not intended as a legal guide. We will assess applications for the enabling financial decisions grace periods once they are submitted to us. Generators might find it helpful to seek their own legal and technical advice before applying.

This document does not anticipate every scenario that could arise. Where a scenario arises which is not addressed in these procedures, we will adopt an approach consistent with the relevant legislation. Any further guidance to this document will be published on our website.

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<sup>2</sup> The Relevant Date is: the later of 5 January 2016 and two months after the RO Closure Order (Northern Ireland) is made. See Article 2, the Closure Order and Appendix 2.



# 1. Introduction

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1.1. We administer the Northern Ireland Renewables Obligation (NIRO) in accordance with the NIRO Order on behalf of the Utility Regulator Northern Ireland (UREGNI) under an Agency Services Agreement. Under this agreement, the Authority is required to carry out the functions listed below in respect of the NIRO. However, UREGNI remains responsible under the legislation for administering the NIRO.

## *Ofgem's functions*

- accrediting generating stations as being capable of generating electricity from eligible renewable energy sources
- issuing Renewable Obligation Certificates (ROCs) and Scottish Renewable Obligation Certificates (SROCs)
- establishing and maintaining a register of ROCs and SROCs
- revoking ROCs and SROCs where necessary
- monitoring compliance with the requirements of the Orders
- calculating annually the buy-out price resulting from the adjustments made to reflect changes in the RPI
- receiving buy-out payments and redistributing the buy-out fund
- receiving late payments and redistributing the late payment fund
- recovering the administration costs of the RO from the buy-out fund
- publishing an annual report on the operation of and compliance with the Orders

1.2. We carry out these functions as efficiently and effectively as possible, according to the provisions of the Orders. We cannot act beyond the scope of the powers laid down in the Orders. For example, we have no remit over the operation or regulation of the ROC market itself. Amendments to the relevant legislation in respect of the RO are a matter for the Secretary of State, Scottish Ministers and the Secretary of State for Northern Ireland.

## **The RO Closure Order (Northern Ireland)**

1.3. The RO is scheduled to close to new capacity on 31 March 2017. In anticipation of this, DETI is introducing a number of grace periods. Operators that are successful in their application will have the opportunity to apply for and gain accreditation under the RO after this closure date. The grace periods are:

- 'Enabling financial decisions' grace period: a 12 month grace period for Advanced Conversion Technologies (ACT, eg gasification and pyrolysis) projects that can demonstrate evidence of substantial financial decisions and

- investments made before the Relevant Date<sup>3</sup>, where the project is scheduled to commission on or before 31 March 2017.
- 'Preliminary accreditation' grace period: a 12 month grace period for Advanced Conversion Technologies (ACT, eg gasification and pyrolysis) which have been granted preliminary accreditation on or before 31 March 2015.
  - 'Radar or grid connection delay' grace period: a 12-month grace period to address radar and grid connection delays, where the project is scheduled to commission on or before 31 March 2017.

1.4. The Renewables Obligation Closure Order (Northern Ireland) 2015 that introduces these grace periods is expected to come into operation during October 2015.

## This document

1.5. This document explains how to apply for the 'enabling financial decisions' grace period. The other grace periods may be applied for from 1 April 2017. We will be updating our [RO: Guidance on the transition period and closure of the RO](#), which currently only applies to GB, to include these other grace periods in 2016.

1.6. In this guidance where "RO" is used it refers to the NIRO scheme and where the Orders is used, this refers to the NIRO Order.

1.7. 'Ofgem', 'us', 'our' and 'we' are used interchangeably when referring to the exercise of the Authority's powers and functions under the Orders.

1.8. The terms "generators" and "operators" are used interchangeably throughout the document.

## Queries

1.9. Please email any queries about our functions under the Orders or a station that is accredited or pending accreditation under the scheme to our dedicated support team on [renewable@ofgem.gov.uk](mailto:renewable@ofgem.gov.uk). Please state what your query is about in the subject line of the email.

1.10. For telephone enquiries, the administration team can be contacted on 020 7901 7310 during office hours.

1.11. Please note that we can only provide guidance on the legislation currently in place. Any queries regarding future changes to the NIRO Orders or wider energy policy should be directed to DETI. Contact details can be found at [www.detini.gov.uk](http://www.detini.gov.uk).

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<sup>3</sup> The Relevant Date is: the later of 5 January 2016 and two months after the RO Closure Order (Northern Ireland) is made. See Article 2, the Closure Order and Appendix 2.

## 2. 'Enabling Financial Decisions' grace period

### Chapter Summary

Sets out the technology types that may be eligible to apply for the 'enabling financial decisions' grace period and the eligibility requirements.

2.1. The RO Closure Order (Northern Ireland) allows the operators of certain generating stations to apply for accreditation under the scheme after it has closed to new applications on 31 March 2017<sup>4</sup>. The 'enabling financial decisions' grace period is limited to generating stations using ACT (standard and advanced gasification and pyrolysis). Table 1 outlines the timescales.

**Table 1 – Grace period timescales**

Eligible technology	Length of grace period	Grace period application timeframe	Accreditation application timeframe
<b>Advanced Conversion Technology (ACT) (standard and advanced gasification and pyrolysis)</b>	12 months	2 November 2015 – 5 January 2016	Apply on or before 31 March 2018

2.2. The definitions of standard and advanced gasification and pyrolysis are provided in Appendix 1. Operators applying to Ofgem for this grace period must submit a notice of intent, along with the required evidence. The window for applications opened on 2 November 2015 and closes on the 'Relevant Date' which is 5 January 2016.

2.3. The person submitting the notice of intent must do so on or before 5 January 2016 along with all of the necessary evidence. If, in the Authority's view, the notice of intent is incomplete or does not include all the necessary evidence, it will not be processed. There is no provision in the RO Closure Order (Northern Ireland) for Ofgem to accept a notice of intent or additional evidence after 5 January 2016 ie the Relevant Date.

2.4. Where we have received a notice of intent, with all of the evidence, on or before 5 January 2016, we may still request further clarification or additional information.

2.5. If we confirm that we are satisfied with the notice of intent, the operator of the generating station will have the opportunity to apply for and gain accreditation

<sup>4</sup> Article 11 and 12 of RO Closure Order (Northern Ireland) 2015.

under the RO for 12 months after its closure date. This additional time does not guarantee that a station will be successful in its application to accredit under the RO. To apply for and gain accreditation under the RO applicants must:

- Have applied for a grace period by 5 January 2016 and satisfied the grace period criteria
- have applied for full accreditation on or before 31 March 2018.
- be commissioned by 31 March 2018 and have met all relevant eligibility requirements.

### **What the notice of intent should contain**

2.6. The notice of intent must be in writing and contain:

1. The name and address of the person submitting the notice<sup>5</sup>
2. Confirmation that the notice is being submitted in respect of Article 9 of the RO Closure Order (Northern Ireland) 2015
3. The location, or proposed location of the generating station
4. Confirmation that the person submitting the notice is also the person proposing to construct or operate the station, or arranging for the construction of it
5. Confirmation that the generating station is not yet commissioned (where "commissioned" is in the context of the relevant definition in the RO legislation).

2.7. The notice of intent can be submitted by email or in writing (see contact details in chapter 3). However, given the limited application window we would prefer it to be submitted by email. It must be accompanied by the specific pieces of evidence appropriate to the technology type it relates to, as listed in the next section.

2.8. There is an application checklist in Appendix 2 to assist those submitting a notice of intent. We strongly encourage all applicants to use this as, if the notice of intent or evidence submitted are incomplete, the application will simply be rejected.

2.9. The evidence includes declarations that applicants will have to make and pieces of specific documentation. There are examples of the notice of intent and the declarations in Appendices 4 and 5.

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<sup>5</sup> In cases where the person submitting the notice of intent is a body corporate, a limited liability partnership, a partnership or an unincorporated association please use the organisation name and address, rather than the name of the individual making the application on behalf of the organisation.

## The evidence applicants must provide

2.10. The evidence that must be submitted to apply for a grace period is below. Applicants should ensure that they understand the RO Closure Order (Northern Ireland) which explains the legislative requirements for the specific pieces of evidence that must accompany the notice of intent.

2.11. Any declarations provided must be signed by an '*appropriate individual*'. This term is defined in the RO Closure Order (Northern Ireland) and is also in Appendix 1.

### 1. A grid works offer and document from the network operator

The person submitting the notice of intent must provide a copy of an offer from the relevant distribution or transmission network operator for the carrying out of grid works for the proposed generating station. We would expect this offer to cover the non-contestable aspects of any grid works required at a minimum. The offer should make clear the location of the grid works and the connection capacity.

The person submitting the notice of intent must also provide a separate document written by, or on behalf of, the relevant network operator<sup>6</sup> which estimates or sets a date for completing the grid works which is not later than 31 March 2017.

The RO Closure Order (Northern Ireland) does not specify that the offer to carry out grid works must have been made to the person submitting the notice of intent; given this, the party to which the offer was made will not form part of our assessment for the purposes of this grace period.

We anticipate that an ACT generating station will usually require grid works. However, if no grid works are required, a declaration stating this should be provided in place of the grid works offer and letter.

### 2. Declaration of land use rights

The person submitting the notice of intent must provide a declaration which states that the person submitting the notice<sup>7</sup> either owns, or has entered into an agreement to lease, or has an option to purchase or to lease the land on which the station is, or is to be, situated.

The declaration should be signed by an appropriate individual and made to the best of that individual's knowledge and belief.

### 3. Declaration confirming future resources and expected commissioning

The person submitting the notice of intent must provide a declaration which states that, following confirmation by Ofgem that the notice of intent is acceptable, they will have access to sufficient resources to commission the station and that the station is expected to commission on or before 31 March 2017.

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<sup>6</sup> Article 9 of the RO Closure Order (Northern Ireland) 2015.

<sup>7</sup> or a person connected to that person within the meaning of section 1122 of the Corporation Tax Act 2010(a).

The declaration should be signed by an 'appropriate individual' (defined in the RO Closure Order (Northern Ireland) and Appendix 1) and made to the best of that individual's knowledge and belief.

## Accreditation under the RO

2.12. The future operator of any generating stations for which we receive a complete notice of intent on or before the Relevant Date may apply for accreditation for that station until 31 March 2018.

2.13. To be issued with ROCs, a generating station must be accredited under the RO as being capable of generating electricity from eligible renewable sources. Additionally, the generating station must meet all other RO eligibility criteria. The Orders<sup>8</sup> set out how we should grant and withdraw accreditation. They also detail when we may attach and amend conditions to any preliminary accreditation or accreditation. For more information on the scheme's eligibility requirements, please refer to Ofgem's Renewables Obligation: Guidance for Generators.

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<sup>8</sup> Article 58 of the Orders.

## 3. Submitting a notice of intent

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### Chapter Summary

Explains how to apply for the 'enabling financial decisions' grace period, how we propose to process the applications we receive and how we will provide confirmation.

3.1. For Ofgem to consider a notice of intent, it must be submitted between 2 November 2015 and 5 January 2016. The notice of intent and evidence should be submitted to Ofgem at [renewable@ofgem.gov.uk](mailto:renewable@ofgem.gov.uk). It should be clearly titled as a 'Notice of Intent' in the subject line of the email or letter and should be accompanied by the evidence required under the RO Closure Order (Northern Ireland) as detailed in chapter 2.

3.2. When emailing a notice of intent, please include a list of the attached documents within the body of the email so it is clear what evidence you are submitting. The Ofgem system will automatically reject emails larger than 20MB. If the person submitting the notice of intent has any concerns about the size of the files that they are attempting to submit, or receives a notification that they have been rejected, please contact us. We have a secure file sharing service which can be used if the evidence being submitted is too large to be emailed.

3.3. If the Authority is satisfied that the notice and evidence meet the statutory requirements, we will, in accordance with the statutory requirement, provide confirmation of this, including the date on which the notice was received.

### Processing the notice of intent

3.4. The notice of intent and the supporting evidence will be reviewed against the relevant statutory criteria. This review will normally be undertaken within 10 working days of receipt.

3.5. Where we receive an accurate and complete notice of intent, accompanied by all of the required evidence and have no further queries, we expect to process it and provide confirmation that we are satisfied the criteria have been met within 10 working days. To assist this process, we expect applicants to have reviewed and understood the relevant requirements of the RO Closure Order (Northern Ireland) and our guidance. We also expect that the grace period application would have been thoroughly checked prior to its submission to make sure it is accurate and complete. There is an application checklist in Appendix 2 to assist those submitting a notice of intent.

3.6. If we have any queries on the notice or the evidence submitted, we will contact the applicant by email during the review period. Where queries are raised, it is the applicant's responsibility to respond promptly and in a complete manner, if they wish the grace period application to be determined in a timely manner. A grace period will only be awarded if we are satisfied that all statutory requirements have been met.

### **Generating stations that have been awarded a grace period**

3.7. If we have confirmed that we are satisfied with a notice of intent, the operators have until 31 March 2018 to apply for accreditation under the RO. Please refer to the Renewables Obligation: Guidance for Generators for further information on the eligibility requirements and process of applying for accreditation under the RO. Although we cannot revoke confirmation of a notice of intent, you should retain a copy of this confirmation from Ofgem for your own records, and in the event that you apply for accreditation after 31 March 2017.

3.8. We regularly audit accredited generating stations to guard against fraud and error. If a generating station applied under the 'enabling financial decisions' grace period and is subsequently accredited, the evidence and declarations submitted with the notice of intent will also form part of a future audit. We have the power to withdraw accreditation, revoke or permanently withhold ROCs in certain circumstances, including where evidence is later found to be false. More information is provided in Chapter 3 of the Renewables Obligation: Guidance for Generators.



## Appendices

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## Appendix 1 - Glossary

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<b>Term</b>	<b>Definition</b>
<b>A</b>	
Advanced Gasification	Electricity generated from a gaseous fuel which is produced from waste or biomass by means of gasification, and has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station of at least 4 megajoules per metre cubed.
Advanced Pyrolysis	Electricity generated from a liquid or gaseous fuel which is produced from waste or biomass by means of pyrolysis, and (a) in the case of a gaseous fuel, has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station of at least 4 megajoules per metre cubed, and (b) in the case of a liquid fuel, has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station of at least 10 megajoules per kilogram.
Appropriate Individual	<p>"appropriate individual", in relation to a notice, means—</p> <p>(a) where the person submitting the notice is a body corporate (other than a limited liability partnership), an individual who is a director, the treasurer, secretary or chief executive of that body,</p> <p>(b) where the person submitting the notice is a limited liability partnership, an individual who is a designated member of that partnership, within the meaning given in section 8 of the Limited Liability Partnerships Act 2000( ),</p> <p>(c) where the person submitting the notice is a partnership (other than a limited liability partnership), an individual who is a partner in that partnership,</p> <p>(d) where the person submitting the notice is an unincorporated association (other than a partnership), an individual who is a member of the governing body of that association,</p> <p>(e) where the person submitting the notice is an individual, that individual.</p>

**G**

Grid Works

"grid works", in relation to a generating station, means—  
(a) the construction of a connection between the station and a transmission or distribution system for the purpose of enabling electricity to be conveyed from the station to that system, or  
(b) the carrying out of modifications to a connection between the station and a transmission or distribution system for the purpose of enabling an increase in the amount of electricity that can be conveyed over that connection from the station to that system.

**N**

Network Operator

"network operator" means a distribution exemption holder, distribution licence holder or a transmission licence holder.

**R**

Relevant Date

"relevant date" means the later of—  
(a) 5 January 2016, and  
(b) the date falling two months after the day on which this Order comes into force.

**S**

Standard Gasification

Electricity generated from a gaseous fuel which is produced from waste or biomass by means of gasification, and has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station which is at least 2 megajoules per metre cubed but is less than 4 megajoules per metre cubed.

Standard Pyrolysis

Electricity generated from a gaseous fuel which is produced from waste or biomass by means of pyrolysis, and has a gross calorific value when measured at 25 degrees Celsius and 0.1 megapascals at the inlet to the generating station which is at least 2 megajoules per metre cubed but is less than 4 megajoules per metre cubed.

## Appendix 2 – Application checklist

This Appendix provides a checklist of the information that should be submitted for each type of generating station.

**Table 2 – Information to be submitted**

Information to be submitted to Ofgem		
Notice of Intent	The name and address of the person submitting the notice <sup>9</sup>	✓
	Confirmation that notice is submitted in respect of Article 9 of the RO Closure Order (Northern Ireland) 2015	✓
	Technology of proposed generating station	✓
	The location, or proposed location of the generating station	✓
	Confirmation that the person submitting the notice is also the person proposing to construct or operate the station, or arranging for the construction of it	✓
	Confirmation that the generating station is not yet commissioned	✓
Evidence	Grid Connection Offer	✓
	Letter from the relevant network operator	✓
	Declaration of land use rights	✓
	Declaration confirming future resource and expected commissioning date of the generating station	✓

<sup>9</sup> In cases where the person submitting the notice of intent is a body corporate, a limited liability partnership, a partnership or an unincorporated association please use the organisation name and address, rather than the name of the individual making the application on behalf of the organisation.

## Appendix 3 – Example 'Notice of Intent'

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### **Renewables Obligation: 'Enabling Financial Decisions' grace period Notice of Intent**

*A notice of intent, as set out under Article 9 of the Renewables Obligation Closure Order (Northern Ireland) 2015, must be submitted to Ofgem to access the 'enabling financial decision' grace period. Below is an example notice of intent that can be printed, completed, signed by an 'appropriate individual' and sent to Ofgem.*

#### **Notice of Intent (example)**

1. The Proposed Generating Station
  - a) Name of proposed generating station.....
  - b) The location of the proposed generating station.....  
.....
  - c) The technology at the proposed generating station is (please delete as appropriate): Advanced conversion technology
  - d) I confirm that the generating station is not commissioned.
  
2. The person submitting the Notice of Intent<sup>10</sup>
  - a) Name of person submitting the notice.....
  - b) Address of person submitting the notice  
.....  
.....  
.....
  - c) I confirm the person submitting the notice of intent is (please delete as appropriate):
    - a body corporate (other than a limited liability partnership)

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<sup>10</sup> In cases where the person submitting the notice of intent is a body corporate, a limited liability partnership, a partnership or an unincorporated association please use the organisation name and address, rather than the name of the individual making the application on behalf of the organisation.



- a limited liability partnership
- a partnership
- an unincorporated association
- an individual

d) I confirm that the person submitting the notice of intent is (please delete as appropriate):

- The person who proposes to construct or operate the generating station;
- The person that is arranging for the construction of the generating station.

I confirm that I am an 'appropriate individual', in relation to the notice of intent, for the generating station stated in this declaration and I am submitting it for the purposes of Article 9 of the RO Closure Order (Northern Ireland) 2015.

**Signed** .....

**Full Name** .....

**Job Title** .....

**Date** .....

*Please note that the terms 'notice of intent' and 'appropriate individual' have the same meaning as in Article 9 of the RO Closure Order (Northern Ireland) 2015. This declaration is to be submitted alongside the documents set out in Article 9 of the Closure Order. You should therefore read the relevant articles of the Closure Order and take your own independent legal advice, to ensure that the proposed generating station which is subject to this declaration qualifies, before making this declaration.*

## Appendix 4 - Example declarations

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### **Renewables Obligation: 'Enabling Financial Decisions' grace period declaration**

*A declaration confirming land use rights, as set out under Article 9 of the Renewables Obligation Closure Order (Northern Ireland) 2015, must be submitted with a Notice of Intent. Below is an example declaration form that can be printed, signed by an 'appropriate individual' and sent to Ofgem.*

#### **Declaration of land use rights (example)**

Proposed Generating Station Name

.....  
I confirm that, to the best of my knowledge and belief, the person submitting the notice of intent or a person connected to the person submitting the notice of intent within the meaning of section 1122 of the Corporation Tax Act 2010(a) (please delete as appropriate):

- Owns the land on which the generating station is, or is to be, situated; or
- Has entered into an agreement to lease the land on which the generating station is or is to be, situated; or
- Has an option to purchase or to lease the land on which the generating station is, or is to be, situated.

*I confirm that I am an 'appropriate individual', in relation to the notice of intent, for the generating station stated in this declaration.*

**Signed** .....

**Full Name** .....

**Job Title** .....

**Date** .....

*Please note that the terms 'Notice of Intent' and 'appropriate individual' have the same meaning as in Article 9 of the RO Closure Order (Northern Ireland).*

*This declaration is to be submitted alongside the Notice of Intent and the documents set out in Article 9 of the RO Closure Order (Northern Ireland). You should therefore read the relevant articles of RO Closure Order (Northern Ireland) and take your own independent legal advice, to ensure that the proposed generating station which is subject to this declaration qualifies, before making this declaration.*



## **Renewables Obligation: Enabling Financial Decisions grace period declaration**

*A declaration confirming future resources and expected commissioning date, as set out under Article 9 of the Renewables Obligation Closure Order (Northern Ireland) 2015, must be submitted with a Notice of Intent. Set out below is an example declaration form that can be printed, signed by an 'appropriate individual' and sent to Ofgem.*

### **Declaration of future resource and expected commissioning (example)**

Proposed Generating Station Name

.....

I confirm that, to the best of my knowledge and belief, following receipt of confirmation that the Authority is satisfied with the attached Notice of Intent for the purposes of the RO Closure Order (Northern Ireland) 2015:

- The person submitting the notice will have access to sufficient resources to commission the station; and
- The station is expected to commission on or before 31 March 2017.

I confirm that I am an 'appropriate individual', in relation to the notice of intent, for the generating station stated in this declaration.

**Signed** .....

**Full Name** .....

**Job Title** .....

**Date** .....

*Please note that the terms 'Notice of Intent' and 'appropriate individual' have the same meaning as in Article 9 of the RO Closure Order (Northern Ireland). This declaration is to be submitted alongside the Notice of Intent and the documents set out in Article 9 of the Closure Order. You should therefore read the relevant articles of Closure Order and take your own independent legal advice, to ensure that the proposed generating station which is subject to this declaration qualifies, before making this declaration.*



## **Annex 2 – Consultation process**

We are keen to consider any comments or complaints about how this consultation has been conducted and to gain your views on the following:

**Question 1:** Do you have any comments about the process adopted for this consultation?

**Question 2:** Please add any further comments.

Please send your comments to:

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