

NIRIG response to Consultation on Ofgem E-Serve's Guidance – Renewables Obligation: Closure of the Scheme to Onshore Wind in England, Scotland, Wales and Northern Ireland (Investment Freezing Declarations)

12 June 2017

The Northern Ireland Renewables Industry Group (NIRIG) represents the views of the renewable electricity industry in Northern Ireland, providing a conduit for knowledge exchange, policy development, support and consensus on best practice between all stakeholders. Committed to making a positive difference, we promote responsible development, support good community engagement and deliver low-cost electricity generation from sources such as onshore wind, tidal, solar and storage using our greatest natural resources.

We welcome the opportunity to respond to the Consultation on Ofgem E-Serve's Guidance – Renewables Obligation: Closure of the Scheme to Onshore Wind in England, Scotland, Wales and Northern Ireland (Investment Freezing Declarations) and appreciate the stakeholder workshop that you facilitated in Belfast on 30 May 2017 to discuss the consultation. Our members found that very helpful.

We have set out below our views on the proposed changes to the declarations, set out in the annexes of your consultation document. In responding, we have sought to answer the following specific questions that you raised:

Do you have any concerns relating to the proposed declarations as set out in the consultation document? If so, please provide specific comments

NIRIG welcomes the clarity that Ofgem are seeking to increase for developers/operators on the combination of grace periods where there is more than one permitted cause of delay.

Whilst we do not have any material concerns in relation to the proposed declarations as set out in the consultation document, there are a number of clarifications which we have set out in response to the question below.

Are there any aspects of the declarations that could be made clearer or improved? If so, please provide specific comments

1. In the investment freezing declaration, the word "relevant" should be inserted before grid/radar works in ii) in each instance for clarity. Such term is defined in the Renewables Obligation Closure Order (Northern Ireland) 2016 ("Closure Order") and this amendment would also ensure consistency with the grid/radar delay declaration.

2. It would be helpful if Ofgem could clarify in either the consultation response and/or the Ofgem guidance document that the definition of "commissioned" used in the declarations is as per the Renewables Obligation Order (Northern Ireland) 2009 and that it will only consider planning compliance in the context of assessing applications in connection with the approved development condition and confirm that planning evidence is not relevant to evidence requirements for meeting the standalone investment freezing and/or grid/radar delay conditions).

In the context of the text of the declarations proposed, there is a very practical issue in that projects in Northern Ireland may have been originally programmed to have been "commissioned" by 31 March 2017 but that programme subsequently changed as permitted causes of delay transpired. This, in turn, would mean for example that discharge of planning compliance conditions could in some instances be post-31 March 2017 (but in compliance with the relevant planning permission and without any time period conditions being breached). Whilst we appreciate that you confirmed this understanding at the stakeholder workshop, it would be helpful for this to be clarified in the response and/or Ofgem guidance document.

3. The text in the final paragraph of the investment freezing declaration for approved development + investment freeze + grid/radar delay refers to the grid/radar works had been completed on or before 31 March 2017 whereas the equivalent paragraph in the grid/radar delay declaration refers to the planned grid/radar works completion date. It would be helpful if Ofgem could clarify in its response the rationale for this and also clarify for developers that limb ii) is simply a hypothetical statement of fact that had the relevant grid works been completed on or before that date without any further assessment on the developer's/operator's part to look back at any certain point in time for the purpose of assessing its ability to make this declaration (i.e. the intention at the date of grid connection application, etc. as elsewhere in the declarations.). This would be welcome clarity.

4. Can Ofgem confirm that the use of the term "the planned grid works completion date" in the declarations is in reference to the definition in the Closure Order?

5. In terms of sequencing/combination of grace periods, it would be helpful if Ofgem could separately annex each declaration in full for the various combinations of grace periods so that developers have complete clarity on what form of declaration to use with an application to avoid any unintended errors with applications.

6. It would be helpful for Ofgem to clarify what limb of the declarations proposed a project must use if seeking to rely on a combination of approved development + investment freeze + grid/radar delay. At present, it could be construed that a developer could seek to use either of the options presented in the consultation for an application on or before 31 December 2018. Is this correct or do Ofgem intend that for any projects seeking to apply for accreditation during the period 1 April 2018 up to and including 31 December 2018 must use the last limb of the proposed declarations (in each instance)?

Thank you for the opportunity to submit our feedback on the draft amendments. If you have any queries or comments on our response, please do not hesitate to contact me.

Meabh Cormacain

NIRIG