



## E4e-manager Newsletter November 2011

### [REVIEW OF FEED-IN-TARIFF SCHEME CONSULTATIONS LEGISLATION UPDATES PROSECUTIONS](#)

Dear Deb,

The emphasis for this month's newsletter is largely around the consultation and changes the Government announced last week to the operation of the Feed-in-Tariff Scheme (specifically for solar photo-voltaics) after 18 months since its introduction. It has caused much activity and debate so outlined below we have hopefully clarified the key implications for those considering this renewable energy option. We have the usual round up of key consultations that have opened up and some key regulatory changes shortly to come on-stream.

Mandy Stoker

### ***REVIEW OF FEED-IN-TARIFF SCHEME***

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The Feed-in-Tariff (FiTs) scheme is currently under review (see the Consultation Section below for the link to the review documents) and at the end of October the Department of Energy and Climate Change (DECC) confirmed its plans to cut the feed-in-tariffs for small-scale solar photo-voltaic (PV) installations (ie. 250 kilowatts or less) by more than 50%.

The FiTs scheme was introduced on 1st April 2010. Through the use of FiTs, DECC hopes to encourage the installation of small-scale (less than 5MW) low-carbon electricity generation. Those technologies eligible for FiTs include wind, solar PV, hydro, anaerobic digestion and domestic scale micro combined heat and power (CHP) units. FiTs allow people to invest in small-scale low-carbon electricity in return for a guaranteed payment from an electricity supplier for the electricity they generate and use as well as receiving a guaranteed payment for unused surplus electricity they export back to the grid.

The review of the FiTs scheme is occurring in two phases

- \* Phase 1 looks at small scale solar PV and consultations close on 23rd December 2011;
- \* Phase 2 will review wider issues including the tariffs given to all other technologies.

Phase 1 seeks to reduce the current 43p per kWh rate to 21p per kWh for installations with a capacity of 4kW or less. DECC's reasoning for the tariff reductions is that the costs of installing solar PV has fallen by some 30% since April 2010 when the scheme was launched, which in addition to rising electricity prices, has resulted in substantially higher rates of return for investors (around the 10% mark) than the intended 5%. It states that the cuts are necessary in order to protect the average energy consumer (which ultimately pays for the FiTs through its electricity bill) and to ensure that the FiTs spending allocation is not exceeded.

DECC has proposed that the new tariff levels apply from 1 April 2012. However, they are also proposing that this will apply to any new solar PV installations that come online on or after an eligibility date of 12th December 2011. I.e. it is proposed that any solar PV that is not installed and running by 12th December will attract the current tariff only until 1st April 2012 after which time the new reduced rate will be applied.

There are more details in the consultation itself relating to building energy efficiency ratings etc that may also be applied but for further details please do contact our office on 01743 343403 or send an email to [info@e4environment.co.uk](mailto:info@e4environment.co.uk).

**31/10/2011: Government Consultation on Feed-in Tariffs for Solar PV**

This consultation is the first of two on the comprehensive review of the Feed-in Tariffs (FITs) scheme that were announced by the Government at the start of the year. The consultation invites comments on the Government's proposals for the tariff levels available for renewable electricity generation from solar PV installations of 250kW or below under the Feed-in Tariffs (FITs) scheme. It applies to England, Wales and Scotland only.

25/10/2011: **Green Construction Board Holds First Meeting** Green Construction Board to steer plans for an 80% cut in carbon emissions by 2050. The Board was set up by the Government in June of this year in response to the Low Carbon Construction Innovation and Growth Team (IGT) report. The Board will monitor the delivery of the Low Carbon Construction Action Plan. It will also update and refresh actions going forward and take collective responsibility for leading the change to a low a carbon economy. It is expected that the Board will look more widely at green construction issues, encompassing priority activities of the Sustainable Construction Strategy.

**Environmental Permitting (England and Wales) (Amendment) Regulations 2011 SI 2043**

This amendment redefines 'radioactive' material and 'radioactive waste'. It introduces a new set of exemptions from permitting radioactive substances.

[www.legislation.gov.uk/ukxi/2011/2043/contents/made](http://www.legislation.gov.uk/ukxi/2011/2043/contents/made)

**Plant Protection Products Regulations (England and Wales) 2011 SI 2131**

These regulations implement certain areas of EC Regulation 1107/2009. They also detail infringement penalties for placing plant protection products on the market.

[www.legislation.gov.uk/ukxi/2011/2131/contents/made](http://www.legislation.gov.uk/ukxi/2011/2131/contents/made)

**Pollution Prevention and Control (Scotland) (Amendment) Regulations 2011 SSI 285**

This amendment replaces 200/323 to remove 'general binding rules' and allows SEPA or Scottish ministers to make 'standard rules'. It also removes the burning of waste oil, recovered oil or waste-derived fuel from PPC Regulation.

[www.legislation.gov.uk/ssi/2011/285/made](http://www.legislation.gov.uk/ssi/2011/285/made)

**Radioactive Substances Act 1993 Amendment (Scotland) Regulations 2011**

This amendment changes the definition of radioactive material and radioactive waste as in the 1993 act. It also removes some of the clauses relating to clocks and watches.

[www.legislation.gov.uk/ssi/2011/207/contents/made](http://www.legislation.gov.uk/ssi/2011/207/contents/made)

**Radioactive Substances Exemption (Scotland) Order 2011**

This amendment removes the 21 exemption orders made under the 1993 and 1960 Radioactive Substances Act. It replaces them with a single exemption order. Some clocks and watches containing radium are no longer exempt.

[www.legislation.gov.uk/ssi/2011/147/contents/made](http://www.legislation.gov.uk/ssi/2011/147/contents/made)

**Plant Protection Products Regulations (Northern Ireland) 2011 SR 295**

This amendment lays down the enforcement powers and penalties for infringement of EU Plant Protection Product Authorisations Regulation 1107/2009/EC, which details the placing of plant protection products on the market.

[www.legislation.gov.uk/nisr/2011/295/contents/made](http://www.legislation.gov.uk/nisr/2011/295/contents/made)

**Radioactive Substances Exemption (Northern Ireland) Order 2011**

This amendment removes the 18 exemption orders made under the 1993 Radioactive Substances Act and replaces them with a single exemption order.

[www.legislation.gov.uk/nisr/2011/289/contents/made](http://www.legislation.gov.uk/nisr/2011/289/contents/made)

## Radioactive Substances Act 1993 (Amendment) Regulations (Northern Ireland) 2011 SR 290

This amendment changes the definition of radioactive material and radioactive waste as in the 1993 act. It also removes the exemption relating to clocks and watches.

[www.legislation.gov.uk/nisr/2011/290/contents/made](http://www.legislation.gov.uk/nisr/2011/290/contents/made)



## PROSECUTION

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### Environmental company fined £10,000 for acid leak

A Lewisham environmental services company have been fined over £10,000 for allowing acid to leak into a stream. Streamline Environmental Services pleaded guilty to causing hydrochloric acid to leak into the River Quaggy. The company was fined £5,000 and ordered to pay £5,321.72 in costs as well as a £15 victim surcharge.

The company had been employed by Mitie Ltd to de-scale two boilers using hydrochloric acid. The acid was poured into the boilers and left for two days. When Streamline Environmental Services came back on the third day, they found that the acid had leaked onto the floor surrounding the boiler. The remains of the acid was collected in a tank, however the acid on the floor was washed down without the use of neutraliser. A pipe was connected to the boiler directly into a drain which washed into an outfall pipe which led straight into the River Quaggy. The presence of acid in the river killed many freshwater invertebrates and turned the water brown.

Peter Ehmann of the Environment Agency said: "This incident could have been prevented or substantially ameliorated if the company had taken proper precautions before and after the leak to avoid potentially lethal chemicals leaking or being washed into the drain and ultimately into the river. The offence was aggravated by the defendant's behaviour which fell far below the standard expected of a competent contractor handling such hazardous substance."

"We take this sort of incident very seriously. A lot of hard work has gone in to improving the River Quaggy as a vital habitat for fish and other wildlife over the years and this pollution is a significant step backwards. We hope this serves as a reminder to all those who work with potential pollutants to take their responsibilities seriously. The release of acid has devastated wildlife, which could have been prevented had proper procedures been in place."

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