



14 February 2019

## THE CONTRACTS FOR DIFFERENCE (ALLOCATION) REGULATIONS 2014 EXEMPTIONS REQUEST NOTICE

This notice is made further to regulation 14C of the Contracts for Difference (Allocation) Regulations 2014 (as amended).

This notice applies only to the third Contracts for Difference (CfD) Allocation Round of which the prospective<sup>1</sup> commencement date is 29 May 2019.

The third Allocation Round applies to eligible generators<sup>2</sup> in respect of the following types of eligible generating station<sup>3</sup>:

- Advanced Conversion Technologies
- Anaerobic Digestion (> 5MW)
- Dedicated Biomass with CHP
- Geothermal
- Offshore Wind
- Remote Island Wind (> 5MW)
- Tidal Stream
- Wave

The Delivery Years 2023/24 to 2024/25 apply to CfDs allocated further to the round.

Any request for an exemption certificate must be made by 15 March 2019 ("the closing date").

Any request for an exemption certificate must be sent to [BEISContractsForDifference@beis.gov.uk](mailto:BEISContractsForDifference@beis.gov.uk), or to *CfD exemption requests, c/o Kieran Power, Clean Electricity Directorate (Level 3 Spur), BEIS, 1 Victoria Street, London SW1H 0ET*

**Any request for an exemption certificate must contain the information detailed in regulation 14C(6) of the Contracts for Difference (Allocation) Regulations 2014 (as amended) (see schedule below).**

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<sup>1</sup> The commencement date for the third Allocation Round will be confirmed in an Allocation Round notice, to be published in due course here: <https://www.gov.uk/government/collections/contracts-for-difference-cfd-third-allocation-round>. As outlined in the draft budget notice and allocation framework, the capacity cap proposed to apply to this Allocation Round is subject to State aid approval, which is expected to be received by the start of the Allocation Round. As a result, the commencement date to be published in the Allocation Round notice may be earlier or later than 29 May 2019, however it will not be before 1 May 2019.

<sup>2</sup> As defined at regulation 3 of the Contracts for Difference (Definition of Eligible Generator) Regulations 2014 (as amended).

<sup>3</sup> As those types are defined in the Schedule to the Contracts for Difference (Definition of Eligible Generator) Regulations 2014 (as amended).



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SIGNED

A handwritten signature in black ink, appearing to read 'Ashley Ibbett', written over a faint horizontal line.

**Ashley Ibbett**  
**Director, Clean Electricity**  
**Department for Business, Energy and Industrial Strategy**

For and on behalf of the Secretary of State

DATED: 14 February 2019



## **Schedule to the Exemption Request Notice**

Contracts for Difference (Allocation) Regulations 2014 (as amended), Regulation 14C

### **Requests for exemption certificates**

**14C.-** (1) Paragraph (2) applies where Secretary of State is minded to establish an allocation round ("a prospective round").

(2) Where this paragraph applies, subject to paragraph (3), by no later than 50 working days before the date ("the prospective commencement date") which the Secretary of State is minded to set as the commencement date of a prospective round, the Secretary of State must publish a notice ("an exemptions request notice").

(3) An exemptions request notice is not required where, by the date at which a notice would otherwise be required under paragraph (2), no temporary site exclusion applies at that date in respect of the prospective round.

(4) An exemptions request notice must apply to each prospective round which is to have the same prospective commencement date.

(5) An exemptions request notice must-

- (a) state the prospective commencement date;
- (b) identify each prospective round to which the notice applies;
- (c) describe the types of eligible generator and eligible generating station to which each prospective allocation round is likely to apply;
- (d) state the delivery years which are likely to apply to each prospective round; and
- (e) state the date by which a request for an exemption certificate must be made to the Secretary of State ("the closing date"), which must be no earlier than 15 working days after the date of the notice.

(6) A request for an exemption certificate must-

- (a) only be made by an eligible generator;
- (b) be in the form and manner required by the Secretary of State;
- (c) include details of the application ("the intended application") which the eligible generator intends to make;
- (d) specify the prospective round in which the intended application is to be made;
- (e) include the plan ("the site plan") contained in, or referred to by, the applicable planning consents which are to accompany the intended application which identifies the site of the main generating structures of the generating station;
- (f) state each ground of exemption relied upon and include the information necessary to enable the Secretary of State to determine whether or not each such ground applies; and
- (g) be made by the closing date.

(7) By no later than 25 working days after the closing date, the Secretary of State must give the eligible generator who has made the request-

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- (a) an exemption certificate; or
- (b) a notice ("an exemption refusal notice") stating that the request has been refused and giving reasons for the refusal.

(8) The Secretary of State must as soon as practicable give a copy of each exemption certificate and exemption refusal notice to--

- (a) the CFD counterparty; and
- (b) the delivery body.

(9) In this regulation-

"exemption certificate" means a document which-

(a) includes a summary of the intended application and the site plan and includes (or refers) to a plan which identifies the excluded site; and

(b) states-

(i) each ground of exemption which the Secretary of State has determined applies to the intended application; and

(ii) that the Secretary of State has determined that the eligible generator named in the document may make the intended application in the prospective round identified in the document;

"ground of exemption" means any of the grounds 1 to 5 described in regulation 14B.