

Bill Text:

Green Energy [Definition and Promotion] Bill

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TO

Define the term "green energy"; to promote its development, installation and usage; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: –

1 Promotion of green energy

(1) The principal purpose of this Act is to promote green energy.

(2) In this Act 'green energy' means –

(a) energy generated from renewable or sustainable small scale local sources, and

(b) energy efficiency measures.

(3) Any person performing any functions under this Act must do so having regard to –

(a) the principal purpose set out in subsection (1),

(b) the desirability of alleviating fuel poverty, and

(c) the desirability of securing a diverse and viable long-term energy supply.

2 Revision of microgeneration strategy

(1) The Secretary of State must within 12 months after the commencement of this section –

(a) publish a revised microgeneration strategy (“the strategy”) under section 82 (microgeneration) of the Energy Act 2004 (c. 20), and

(b) before doing so, invite comments on a draft of the strategy from such persons appearing to him to represent the producers and suppliers of plant used for microgeneration and such other persons as he considers appropriate.

(2) The Secretary of State must include in the strategy –

(a) measures to increase the number of microgeneration installations in existing buildings,

(b) such financial and fiscal measures as will in his opinion ensure the cost-effective promotion of green energy, and

(c) measures to promote the effective implementation of feed-in tariffs for small-scale generation of electricity established under Part 2 of the Energy Act 2008 (c 32).

3 Review of permitted development orders: agricultural land

(1) The Secretary of State must for the purpose mentioned in subsection (2) carry out a review of the effect in England of development orders made under section 59(2)(a) of the Town and Country Planning Act 1990 (c. 8) (power by order to grant planning permission for the development or a class of development specified in the order).

(2) The purpose of the review is to provide information to assist the Secretary of State to form an opinion as to what provision such development orders should make to facilitate development in England consisting of the installation, on agricultural land or within the curtilage of an agricultural building, of equipment, apparatus or appliances for microgeneration.

(3) In carrying out the review the Secretary of State must consult persons appearing to him to represent –

(a) the producers and suppliers of equipment, apparatus or appliances used for microgeneration,

- (b) persons engaged in agricultural or other rural activities,
- (c) local authorities, including parish councils,
- (d) persons interested in preserving visual amenity and the appearance of the countryside, and
- (e) any such other persons as he considers appropriate.

(4) As soon as reasonably practicable after he has carried out the review, the Secretary of State must lay before Parliament a report on the review, which must include –

- (a) his opinion, as mentioned in subsection (2), and
- (b) any consequential changes he recommends to be made to development orders under section 59(2)(a) of the Town and Country Planning Act 1990.

(5) Where the Secretary of State proposes to make changes to development orders in consequence of the review, he must do so as soon as is reasonable practicable.

(6) In this section “agricultural land” and an “agricultural building” have the same meaning as in paragraphs 2 to 8 of Schedule 5 to the Local Government Finance Act 1988 (c. 41) (non-domestic rating: exemption).

4 Permitted development: domestic premises

(1) The Secretary of State must make an order under section 59 of the Town and Country Planning Act 1990 (c. 8) (power by order to grant planning permission for the development or a class of development specified in the order) within three months of the day on which this Act is passed granting planning permission for specified microgeneration installations.

(2) The Secretary of State may during the fixed specified period amend or suspend an order made pursuant to subsection (1) if –

- (a) there is evidence which leads him reasonably to form the view that a significant number of specified microgeneration installations erected under the order made pursuant to subsection (1) are causing a nuisance, and
- (b) he has consulted interested parties on the evidence used to inform any decision he proposes to take to amend or suspend an order.

(3) An order under this section shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

(4) In this section –

“specified microgeneration installations” means small wind turbines, air source heat pumps, and any such further installations which the Secretary of State may consider appropriate

“fixed specified period” means one year from the date on which the order made pursuant to subsection (1) comes into force

“small wind turbines ” means wind turbines with a generating capacity not exceeding 10KW.

5 Council tax and non-domestic rates

Any increase in the value of a property arising from the installation of a green energy measure or a microgeneration system after the day on which this Act is passed shall be disregarded in the valuation of that property for the purpose of assessing council tax or non-domestic rates.

6 Interpretation

In this Act –

an “energy efficiency measure” is a measure to improve efficiency in the use of energy in a property which reduces the need for energy, and

“microgeneration system” has the same meaning as in section 4(9) of the Climate Change and Sustainable Energy Act 2006 (c. 19).

7 Short title and extent

(1) The short title of this Act is the Green Energy [Definition and Promotion] Act.

(2) This Act extends to the United Kingdom.

Explanatory Note:

The Green Energy Bill is intended to encourage the generation of energy from small-scale renewable and sustainable sources. The Bill would enable people and businesses to profit from generating their own energy and aims to remove current legal barriers to microgeneration.

There are three principal elements: revising the Government's Microgeneration Strategy; reforming planning law; and exempting microgeneration developments and energy efficiency measures from a council tax penalty.

The Bill would require the Secretary of State to review the Government's Microgeneration Strategy with a view to incorporating a feed-in tariff for small scale electricity generation and with a view to promoting microgeneration in the existing housing stock, most of which is wasteful of energy and contributes to the growing problem of fuel poverty. The legislative mechanisms for a feed-in tariff were established, thanks to Conservatives, in the Energy Act 2008. The first part of this Bill aims to trigger the implementation of feed-in tariffs for small-scale renewable and sustainable energy.

The Bill also proposes changes to planning law in order to enable farmers, in particular, to participate in generating local energy. This aspect of the Bill has been promoted by the CLA and the NFU. It would require the Secretary of State to review planning law with an eye to removing the necessity for planning permission for installing microgeneration on agricultural land.

Additionally, the Bill would remove bureaucratic burdens and costs for people who wish to install small-scale renewables like wind turbines and air source heat pumps, on their property.

Strict limits to prevent any public nuisance will be included in the Bill.

Finally, the Bill would ensure that anyone who has installed microgeneration and thus improved the value of their property would not be penalised by an increase in their council tax as a result.