

# Energy Bill [HL]

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THIRD  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

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*The amendments have been marshalled in accordance with the Instruction of 22nd July 2015, as follows –*

Clauses 59 to 63                      Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 59**

LORD WHITTY  
LORD TEVERSON

*The above-named Lords give notice of their intention to oppose the Question that Clause 59 stand part of the Bill.*

**Clause 60**

BARONESS WORTHINGTON  
LORD GRANTCHESTER

**34B★** Page 31, line 39, at beginning insert “Subject to subsection (1A),”

**34C★** Page 31, line 42, at end insert –

“(1A) Subsection (1) does not apply to electricity generated by an onshore wind generating station –

- (a) which was not accredited on or before 31 March 2016, and
- (b) which is accredited before 31 March 2017, and
- (c) for which an application for planning permission was made before 18 June 2015.

(1B) In this section, “planning permission” means –

- (a) consent under section 36 of the Electricity Act 1989 (consent required for construction etc. of generating stations);

Amendment  
No.

**Clause 60** – *continued*

- (b) planning permission under the Town and Country Planning Act 1990;
- (c) planning permission under the Town and Country Planning (Scotland) Act 1997;
- (d) development consent under the Planning Act 2008.”

LORD WALLACE OF TANKERNESS  
BARONESS MADDOCK  
LORD WHITTY

*The above-named Lords give notice of their intention to oppose the Question that Clause 60 stand part of the Bill.*

**After Clause 60**

LORD WHITTY  
LORD GRANTCHESTER

35 Insert the following new Clause –

**“Renewable and other technologies**

Within six months of the passing of this Act, the Secretary of State shall publish an assessment of the progress towards decarbonisation of energy supply, including a strategy for the development of renewables and a strategy for energy efficiency within the supply system.”

LORD FOULKES OF CUMNOCK  
LORD WHITTY

35A Insert the following new Clause –

**“Decarbonisation obligation**

- (1) Within six months of the closure of the renewables obligation on 31 March 2016 for onshore wind generating stations, the Secretary of State must bring forward regulations for a decarbonisation obligation.
- (2) A “decarbonisation obligation” means the level of carbon intensity of electricity generation in the United Kingdom that a relevant supplier may not exceed in respect of the total kilowatt hours of electricity that it supplies to customers in England and Wales during a given year.
- (3) In setting a decarbonisation obligation, the Secretary of State must first obtain and take account of advice from the Committee on Climate Change.
- (4) In this section, “relevant supplier” means electricity suppliers supplying electricity in England and Wales.”

Amendment  
No.

*After Clause 60 – continued*

BARONESS WORTHINGTON  
LORD GRANTCHESTER

**35B★** Insert the following new Clause –

**“Statement on costs of non-compliance with EU renewable target**

Within six months of the passing of this Act, the Secretary of State shall report to Parliament on the estimated cost to the taxpayer should the United Kingdom not comply with the 2020 EU renewable target.”

**35C★** Insert the following new Clause –

**“Contracts for Difference**

After section 13(3) of the Energy Act 2013 insert –

“(3A) An allocation round must be held no less than annually in each year in which the UK is not on target to meet the 2020 EU renewable energy target.””

**35D★** Insert the following new Clause –

**“Onshore wind power closure of renewables obligation: variation of planning permissions**

- (1) The Electricity Act 1989 is amended as follows.
- (2) After new section 32LC insert –

**“32LD Grace period**

- (1) The Secretary of State shall set out in regulations a grace period to apply to the closure of the renewables obligation as provided for in section 32LC.
- (2) Such regulations shall specify the circumstances in which a grace period shall apply, including conditions of eligibility.

**32LE Onshore wind power: variation of planning permissions**

- (1) Sections 32LE to 32LH apply where a planning permission (“an original planning permission”) has been granted before the relevant date.
- (2) Where an original planning permission is varied, section 32LC shall not apply to the development to which an original planning permission as varied relates.
- (3) A planning permission varies an original planning permission for the purposes of this section in those cases where the subsequent permission is granted under section 73 of the Town and Country Planning Act 1990 or section 42 of the Town and Country Planning (Scotland) Act 1997.
- (4) The relevant date is 18 June 2015.

Amendment  
No.

**After Clause 60 – continued**

**32LF Definition of planning permission**

A planning permission means –

- (a) planning permission issued under Part III of the Town and Country Planning Act 1990;
- (b) planning permission issued under Part III of the Town and Country Planning (Scotland) Act 1997; or
- (c) deemed planning permission issued by a direction made under section 90(2) of the Town and Country Planning Act 1990 or section 57(2) of the Town and Country Planning (Scotland) Act 1997.

**32LG Further provisions relating to planning permission**

- (1) For the purposes of section 32LC, planning permission shall be deemed to have been granted prior to the relevant date in circumstances where –
  - (a) a local planning authority resolved to grant planning permission before the relevant date and planning permission was subsequently granted by that local planning authority; or
  - (b) a local planning authority resolved to grant planning permission after the relevant date and before 4 September 2015, and planning permission was subsequently granted by that local planning authority; or
  - (c) a local planning authority considered a proposed development in committee on or before the relevant date, and resolved to grant planning permission after the relevant date and before 4 September 2015, and planning permission was subsequently granted by that local planning authority; or
  - (d) a planning permission was issued after the relevant date in circumstances where the Secretary of State, the Welsh Ministers or the Scottish Ministers –
    - (i) have exercised his or their powers under section 77 of the Town and Country Planning Act 1990 or section 46 of the Town and Country Planning (Scotland) Act 1997; or
    - (ii) have recovered for his or their own decision an appeal made under section 78 of the 1990 Act or section 47 of the 1997 Act; or
    - (iii) have determined that a public inquiry should be held under paragraph 2(2) or paragraph 3(2) of Schedule 8 to the Electricity Act 1989; or
  - (e) a person appointed by the Secretary of State, the Welsh Ministers or the Scottish Ministers to report on the application or appeal submitted his report before the relevant date but no decision has yet been issued; or

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No.

**After Clause 60** – *continued*

- (f) a planning permission was issued after the relevant date in circumstances where a person appointed to determine an appeal against the refusal of planning permission by a local planning authority or an appeal against the failure of the local planning authority to determine a planning application has –
- (i) concluded an inquiry or hearing in respect of the appeal; or
  - (ii) concluded a process of written representations in respect of an appeal;
- but where that appointed person had not issued a decision by the relevant date.

**32LH Grace period conditions**

- (1) For an onshore wind generation station which qualifies for a grace period and which satisfies the condition specified in subsection (2), the grace period shall be extended by a period equal to that between the relevant date and the date appointed for commencement of section 60 of the Energy Act 2015.
- (2) The condition referred to in subsection (1) is that the Secretary of State shall have approved an application made under subsection (3).
- (3) An application may be made to the Secretary of State seeking his confirmation that the onshore wind generating station –
  - (a) qualifies under the grace period conditions; and
  - (b) would have been capable of generating electricity to the grid by 31 March 2017 but for an inability to secure a credit commitment from an approved lending source, pending the date appointed for commencement of section 60 of the Energy Act 2015; and
  - (c) that the onshore wind generating station was not precluded from generating electricity to the grid by 31 March 2017 for any other reason.
- (4) The Secretary of State may approve or refuse an application made in writing under subsection (3) and in doing so shall give written reasons for his decision.
- (5) For the purposes of this section, an approved lending source means a lending source approved by the Financial Conduct Authority under section 55(E) of the Financial Services and Markets Act 2000 (as inserted by section 11 of the Financial Services Act 2012).”

**Clause 61**

LORD BOURNE OF ABERYSTWYTH  
BARONESS WORTHINGTON

36 Page 33, line 14, leave out “or” and insert –

“(aa) regulations under section 27(8), or”

37-42 [Amendments 37 to 42 were renumbered and considered as amendments 1A to 1F]

**Amendment  
No.**

**In the Title**

LORD BOURNE OF ABERYSTWYTH

**43** Line 1, after “functions;” insert “to make provision about rights to use upstream petroleum infrastructure;”



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