

**Christopher Osborne**

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**From:** Johnston, Chris <Chris.Johnston@afbini.gov.uk>  
**Sent:** 02 November 2012 17:51  
**To:** Christopher Osborne  
**Subject:** RE: Willow [Scanned]

Chris,

I have been hacking through all my old stuff but everything I lay my hands on is in relation to argumentation of why the growing of the willow crop should be deemed as "agricultural" as so much the sector's difficulties have been as a result of its consideration as non-agricultural (mainly within the association of its use as a biofilter). These arguments employed definitions such as those outlined below.

I therefore don't think I can directly help you as i know you explained that the impasse is essentially based on whether the dried willow crop (wood chip? Bales ? rods etc?) is now a fuel and is therefore no longer an agricultural product? Wood chip does incur vat when sold but I am not aware of anyone else being approached by the rates office as to the fact their shed of wood for fuel is a rateable commercial activity. How does this compare with the storage of biomass for sale for bedding say?

I will however poke about a little. It seems unfair that a product should change its taxable status just because it's dried...

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The growing of willow is considered an agricultural pursuit ref.....

*Further legislation from Europe enacted by The Nitrates Action Programme Regulations (Northern Ireland) 2006, Statutory Rule 2006 No. 489 defines agricultural land as having the same meaning as in the Agriculture Act (Northern Ireland) 1949 thus including Osier land (willows).*

*I quote the following from the conclusion of the summary (July 2003) of The EU Commission Directorate General for Agriculture's fundamental reform of the common agricultural policy (CAP), based on the Commission proposals presented on 23 January 2003 (where energy crops are definitely included as agriculture). When specifically talking about the new opportunities in non food agriculture such as energy crops! "The new CAP will enhance farmers' ability to produce what consumers and the market require ..... and will open, at the same time, new paths to diversify their enterprises, including a stronger development of non-food agricultural production such as renewable energy resources".*

*The 2008 European Integrated Administration and Control System (IACS) within the criteria for receiving the Single farm Payment lists "You must be a farmer undertaking agricultural activity". IACS further clarifies this by stating "If you use land for Energy Crops, you will also be eligible to claim the Single Farm Payment; clarification that the growing of energy crops is indeed agricultural as it receives the SFP.*

Regards  
Chris

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Chris Johnston  
Tel:- 02892681540  
email:- [chris.johnston@afbini.gov.uk](mailto:chris.johnston@afbini.gov.uk)

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**From:** Christopher Osborne [mailto:[christopher@ufuhq.com](mailto:christopher@ufuhq.com)]  
**Sent:** 01 November 2012 15:10  
**To:** Johnston, Chris  
**Subject:** Willow [Scanned]

Chris,

Further to our conversation on Tuesday, have you had a chance to look for the info for willow and the drying process?

Many thanks and I look forward to hearing from you.

Chris Osborne

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**Christopher Osborne**

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**From:** Johnston, Chris <Chris.Johnston@afbini.gov.uk>  
**Sent:** 01 November 2012 16:29  
**To:** Christopher Osborne  
**Subject:** RE: Willow [Scanned]

Thanks Chris,

I will see what I can dig out here. Did you get any further joy yourself as I understood you were to speak to someone else.

I was wondering also whether you could recommend anyone within UFU to contribute to a discussion panel on food v fuel. We are planning to arrange an AFBI led discussion to pad out the issues here from a policy / public sector point of view and if you had someone involved with renewables i believe it would be beneficial.

Regards  
Chris

Chris Johnston

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Tel:- 02892681540  
email:- [chris.johnston@afbini.gov.uk](mailto:chris.johnston@afbini.gov.uk)

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**Christopher Osborne**

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**From:** Tom Elliott [Personal information redacted by the RHI Inquiry]  
**Sent:** 02 November 2012 10:47  
**To:** Christopher Osborne  
**Subject:** Re: Planning re willows [Scanned]

Chris

Dont know if UFU a member of this Development Control Practice organisation but it gives the details of Planning decisions. It appears to be a UK database as opposed to an NI.

I have enclosed the link below.

<http://www.dcp-online.co.uk/DCP/content2.html>

Tom

**From:** Christopher Osborne  
**Sent:** Friday, November 02, 2012 10:07 AM

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**To:** Tom Elliott  
**Subject:** RE: Planning re willows [Scanned]

Tom,

One more thing.

I need to find the source of this information as I need to cross reference it my letters. To be honest, I think John O'Doherty is wide of the mark with many of these.

C

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**From:** Tom Elliott [mailto: [Personal information redacted by the RHI Inquiry]]  
**Sent:** 16 October 2012 23:41  
**To:** Christopher Osborne  
**Subject:** Fw: Planning re willows [Scanned]

Chris

I enclose information that I received from John O'Doherty, senior planning officer, Fermanagh. Don't know if it is much assistance.

Regards

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