

From: [Hughes, Seamus](#)
To: ["David Hamilton"](#)
Cc: [Wightman, Stuart](#)
Subject: RE: RHI question
Date: 09 February 2016 10:17:18

David

Please see extract below from the legislation (Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012 regarding preliminary accreditation which I hope will be helpful to you.

Regards

Seamus

Preliminary accreditation

26.—(1) The Department may, upon the application by a person who proposes to construct or operate an eligible installation which has not yet been commissioned, grant preliminary accreditation in respect of that eligible installation provided—

(a) any necessary planning permission has been granted; or

(b) such planning permission is not required and appropriate evidence of this is provided to the Department from the relevant planning authority.

(2) The Department must not grant preliminary accreditation to any plant under this regulation if, in its opinion, that plant is unlikely to generate heat for which periodic support payments may be paid.

(3) An application for preliminary accreditation must be in writing and supported by such of the information specified in Schedule 1 as the Department may require.

(4) The Department may attach such conditions as it considers appropriate in granting preliminary accreditation under this regulation.

(5) Where a plant has been granted preliminary accreditation (and such preliminary accreditation has not been withdrawn) and an application for accreditation is made under this Part, the Department must, subject to regulation 23, grant that application unless it is satisfied that—

(a) there has been a material change in circumstances since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused;

(b) any condition attached to the preliminary accreditation has not been complied with;

(c) the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular such that, had the Department known the true position when the application for preliminary accreditation was made, it would have been refused; or

(d) there has been a change in applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused.

(6) Where any of the circumstances mentioned in paragraph (7) apply in relation to a preliminary accreditation which the Department has granted and having regard to those circumstances the Department considers it appropriate to do so, the Department may—

- (a) withdraw the preliminary accreditation;
- (b) amend the conditions attached to the preliminary accreditation;
- (c) attach conditions to the preliminary accreditation.

(7) The circumstances referred to in paragraph (6) are as follows—

- (a) in the Department's view there has been a material change in circumstances since the preliminary accreditation was granted;
- (b) any condition attached to the preliminary accreditation has not been complied with;
- (c) the Department considers that the information on which the decision to grant the preliminary accreditation was based was incorrect in a material particular;
- (d) there has been change in the applicable legislation since the preliminary accreditation was granted such that, had the application for preliminary accreditation been made after the change, it would have been refused.

(8) The Department must send the applicant a notice setting out—

- (a) its decision on an application for preliminary accreditation of a plant or on the withdrawal of any preliminary accreditation;
- (b) any condition attached to the preliminary accreditation or any amendment to those conditions.

(9) The notice sent pursuant to paragraph (8) must specify the date on which the grant or withdrawal of preliminary accreditation is to take effect and, where applicable, the date on which any conditions (or amendments to those conditions) attached to the preliminary accreditation are to take effect.

(10) In paragraph (1), the reference to the person who proposes to construct an eligible installation includes a person who arranges for the construction of the eligible installation.

(11) This regulation does not apply to a plant which will generate heat using—

- (a) a solar collector;
- (b) a heat pump which complies with the requirements of regulation 8(a); or
- (c) solid biomass, provided that the plant will have an installation capacity below 200kWth.

Seamus Hughes

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Please consider the environment - do you really need to print this e-mail?

From: David Hamilton [mailto:Personal information redacted by the RHI Inquiry]

Sent: 08 February 2016 16:15

To: Hughes, Seamus

Subject: RE: RHI question

Seamus

as per our conversation, i spoke with ofgem about preliminary accreditation, they instructed me how to submit the application with a future commissioning date but on the issue of what pre-accreditation would actually mean if the scheme is cancelled they would only refer me to DETI or independent legal advice. I intend to apply for pre-accreditation but i must have some form of concrete assurance of my position before i can commit more funds to this project. I would very much welcome your comments on this.

I appreciate your advice on this matter and i am keen to salvage the project, it represents a massive investment for our business and i am very reluctant to both loose my investment and also to loose the new capacity the additional build would bring to our business.

Thank you

David Hamilton

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From: Seamus.Hughes@detini.gov.uk

To: [hamilton](#) Personal information redacted by the RHI Inquiry

Subject: RE: RHI question

Date: Mon, 8 Feb 2016 12:16:58 +0000

Hi David

Can you give me a phone when you get a chance. I left a voicemail earlier and your phone is off now. Preliminary accreditation might be a possible route for you but I would

need to talk this through with you.

Regards

Seamus

Seamus Hughes

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From: David Hamilton [<mailto:> Personal information redacted by the RHI Inquiry]
Sent: 08 February 2016 11:11
To: Hughes, Seamus
Subject: RE: RHI question

Seamus

Good morning,

following Fridays announcement from the Ministers office i have tried to contact you to get an idea of the RHI situation.

We have a 999kw boiler on order from Germany and are at an advanced stage with ground works for a new boiler and kennels build.

At this stage a deposit has been paid on the boiler which is non refundable. I am presented with the difficult decision of weather to cancel the boiler order or to seek to get it installed asap.

Obviously this is a very substantial project for our business and would be very costly should we miss the RHI scheme.

I am hoping you can offer me some advice on how to proceed.

Many thanks

David Hamilton

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From: Seamus.Hughes@detini.gov.uk

To: [hamilton](#) Personal information redacted by the
RHI Inquiry

Date: Tue, 27 Jan 2015 14:07:15 +0000

Subject: FW: RHI question

Good afternoon David

I'm not sure if you have heard anything more from Ofgem or progressed your plans any further with them but I just wanted to update you on our plans for the phase 2 review of the non-domestic RHI which you may wish to factor into your consideration.

Consideration is being given to the extending of the current 20-99kWh tariff up to 199kWh to bring the Northern Ireland scheme more into line with GB. If this was to be agreed timescale wise we should see the changes being in place for Oct/Nov of this year.

Just thought this might be of interest to you.

Regards

Seamus

Seamus Hughes

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From: Hughes, Seamus

Sent: 16 December 2014 10:36

To: 'David Hamilton'

Cc: Ellis, Cathal