

From: [Private Office DETI](#)
To: [Mills, John \(DETI\)](#)
Cc: [Cooper, Trevor](#); [Robson, Rod](#); [McLaughlin, Christine \(DETI\)](#); [Hegarty, Damien](#); [Wightman, Stuart](#); [Vaughan, Helen](#); [Stevenson, Valerie \(DETI Private Office\)](#); [Dolaghan, Paul](#); [McCormick, Andrew \(DETI\)](#); [Kerr, Sean](#); [Rooney, Eugene](#); [Stewart, Chris \(DETI\)](#); [DG DETI Press Office](#); [DETI Energy Mailbox](#)
Subject: Submission Decision SUB-0051-2016 : Closure of RHI - Urgent Procedure and memo to DFP Minister
Date: 01 February 2016 09:10:57
Attachments: [E mail to DFP Closure of the NI Renewable Heat Incentive \(RHI\).msg](#)
[Min Clearance NI RENEWABLE HEAT INCENTIVE CLOSURE – VIEWS OF FINANCE MINISTER.msg](#)
[SUB 051 Final Memo to DFP Minister.pdf](#)
[Draft memo FM and dFM.docx](#)
[SUB 051.docx](#)

Classification: Official
Timing: Desk Immediate
Reference: SUB-0051-2016

Subject: SUB-0051-2016 : Closure of RHI - Urgent Procedure and memo to DFP Minister

To: JOHN MILLS
Date: 01/02/2016

I refer to your submission of 29/01/2016. The Minister is content and memo has been issued to DFP with a deadline for response of 2.00pm today Monday 01 02 16 .

NB Private Office have amended the submission at Financial Implications " £95 - now reads as (£95m) as per telephone call from Paul Dolaghan on Friday 29 January 2016.

For further information etc. contact:
Christine McLaughlin
Private Office
29222

Copied To For Information:
Cooper, Trevor; Robson, Rod; McLaughlin, Christine (DETI); Hegarty, Damien; Wightman, Stuart; Vaughan, Helen; PO CC Energy Division

From: McLaughlin, Christine (DETI)
To: private.office@dfpni.gov.uk
Cc: [Aiken, Glynis](#)
Subject: E mail to DFP Closure of the NI Renewable Heat Incentive (RHI)
Date: 01 February 2016 08:57:00
Attachments: [image001.gif](#)
[SUB 051 Final Memo to DFP Minister.pdf](#)
[Draft memo FM and dFM.docx](#)
Importance: High

Please find attached urgent memo from Minister Jonathan Bell MLA, for the attention of Minister Mervyn Storey MLA.

Apologies for the very tight deadline.

Many thanks

Christine McLaughlin

Private Office
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
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TextRelay: 18001 028 9052 9222
Web: www.detini.gov.uk



[NI Year of Food & Drink 2016](#)

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From the Office of the Minister



Department of

**Enterprise, Trade
and Investment**

www.detini.gov.uk

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BELFAST
BT4 2JP

Tel: 028 90 529452

Fax: 028 90 529545

Text Relay: 18001 028-9052-9452

E Mail: private.office@detini.gov.uk

FROM: JONATHAN BELL MLA
DATE: 01 FEBRUARY 2016
TO: MERVYN STOREY MLA

CLOSURE OF THE NORTHERN IRELAND RENEWABLE HEAT INCENTIVE (RHI)

In accordance with paragraph 2.14 of the Ministerial Code I am seeking your views on the attached letter which seeks agreement under urgent procedures to the closures of the RHI.

Given the urgency of the situation, I would appreciate a reply by 2.00pm today Monday 1 February 2016.

JONATHAN BELL MLA
Minister of Enterprise, Trade and Investment

ANNEX A

**FROM: JONATHAN BELL MLA
MINISTER OF ENTERPRISE, TRADE AND INVESTMENT**

DATE: FEBRUARY 2016

TO: FIRST MINISTER AND DEPUTY FIRST MINISTER

**REQUEST FOR A DECISION BY URGENT PROCEDURE – CLOSURE OF THE
RENEWABLE HEAT INCENTIVE SCHEME (RHI)**

Introduction

1. In accordance with paragraph 2.14 of the Ministerial Code I am seeking agreement to take an urgent decision on the closure of the Northern Ireland Renewable Heat Incentive Scheme (RHI). The urgent decision is required to minimise overspending on the scheme.

Background

2. The Non Domestic RHI scheme was introduced in November 2012 and the Domestic RHI scheme in December 2014. Both schemes provide payments for people to move from conventional heating (mainly oil) to sustainable heating such as wood pellets (biomass). In light of unprecedented numbers of applications for the Non Domestic Scheme and the outcome of the Government's Spending Review, an urgent decision is now needed on the future of the NI RHI schemes.
3. Successful Domestic RHI applicants receive an upfront payment of up to £3,500 (depending on the technology) along with 7 annual tariff payments based on the heat requirements of the property. Annual payments are typically around £1,200 but are capped at a maximum of £2,500. Uptake of the Domestic RHI scheme has increased steadily (c.700 applications since the scheme was introduced).
4. The Non Domestic RHI scheme on the other hand involves 20 years of annual tariff payments based on the metered heat usage of the business. Tariffs are dependent on the type and size of technology. To date, average annual payments have been around £24,000. The Non Domestic scheme therefore involves much larger and longer financial commitments than the domestic scheme.
5. After a slow start during the first two years, non domestic scheme uptake increased steadily during 2015. During the Autumn of 2015 there was an unprecedented surge in applications. This increase relates to one particular technology – biomass and has been attributed to one particular industry's wholesale uptake of the scheme. This is the poultry industry's use of RHI for broiler houses.
6. A sustained increase in applications during March and April 2015 was the catalyst for the legislative changes I brought through the Assembly in November to, inter-alia, introduce a tiered tariff (reducing after 1,314 hours) and an annual cap (at 400,000 KWh) on RHI payments for biomass. However, in the run up to these legislative changes, the number of installations on the scheme doubled with over 900 applications received in 6 weeks. An increase in applications had been forecast as businesses

tried to beat the deadline for tariff changes, but not at the unprecedented numbers received.

7. The increase in applications means that over 6% of NI's total heating needs are estimated to be provided through renewable technologies. The PfG target of 4% renewable heat by 2015 has been exceeded and we would be well on track to reach the 10% target set for 2020. However, this success comes at a price. Total expenditure for both RHI schemes in 2015/16 is now forecast to exceed £30m. Even if no new applications are received in 2016/17 (i.e. both schemes are closed by 31/3/16), forecast RHI expenditure in 2016/17 is expected to be around £45m.

Scheme Approvals

8. When the business case for the non-domestic scheme was approved by DFP in 2012, one of the conditions was for re-approval in March 2015. Unfortunately the need for this approval was overlooked. DETI had no choice but to keep making the payments because the RHI scheme is set out in statutory Regulations and there are no grounds for DETI to cease making payments to properly made applications. Prospective approval has now been received from DFP for non domestic scheme expenditure from 29 October 2015 through to 31 March 2016. Retrospective approval from 1 April 2015 to 30 September 2015 has however been declined. Approval for the Domestic RHI Scheme is in place up to 31 March 2020.

Affordability

9. The affordability of the NI RHI schemes going forward obviously depends on the budget available. The RHI schemes (non-domestic and domestic) are paid out of Annual Managed Expenditure, (AME) which normally would not have an impact on the NI Block funding. However, when the scheme was first introduced in 2012, HMT confirmed that RHI spending would not be treated as standard, AME, where the Exchequer takes on all risks. Instead, a risk-sharing arrangement was introduced whereby, should RHI spending in one year exceed the allocated budget, NI would need to repay this in future years. This could be achieved through scheme changes. However, the rules provided that a small proportion of any required future savings (likely to be of the order of 5%) would have to be funded directed by NI through DEL.
10. Also, unlike traditional, AME, the initial 4 year (2011/12-2014/15) NI allocation of £25m was based on a Barnett formula of c.3% of the DECC budget (£838m). HMT confirmed that any 20 year commitments entered into during this period would be honored. This arrangement was rolled forward in 2015/6 though the AME 2015/16 budget has since been raised to £30m in light of increased demand.

Change in HMT policy

11. If RHI funding was "pure" AME there would be no impact on NI DEL. If the Barnett formula + 5% penalties approach was carried forward the effect on NI DEL would be relatively small – generally less than £1m p.a. over the 2016/17–20/21 period (this assumes scheme closure in March 2016). However, the effect of the Chancellor's Autumn Statement was to reduce the NI RHI budget. DFP officials have also advised that HMT's likely position will be that NI will have to cover the full costs (not 5%) of any overspends.

12. This creates significant budgetary pressures for the next 5 years with forecast additional average annual costs of around £19m even if there are no new applications after the end of this financial year. Forecast costs in 2016/17 would be higher but would diminish over time i.e. if the scheme is closed to new applications the forecast costs would remain static but the HMT budget would rise therefore reducing the scheme overspend from around £27m in 2016/17 to around £11m by 2020/21.
13. I must proceed on the basis that the major overspend that has now arisen will not be covered by HMT. DETI does not have the funding to meet this overspend. In the circumstances I have no choice but to propose immediate closure of the scheme to prevent the overspend from increasing further.

Consultation

14. I have consulted the Finance Minister on these issues and his advice is
15. I plan to launch a short public consultation on the decision to close both schemes and will update you on the outcome of this.

Timing

16. Given the urgency of the situation I propose to close both the RHI schemes as soon as possible, subject to public consultation and Assembly approval of the legislation.

Recommendation

17. I therefore request your agreement, in accordance with paragraph 2.14 of the Ministerial Code, to take an urgent decision to agree to the closure of the Northern Ireland Renewable Heat Incentive Scheme (RHI), subject to the outcome of the public consultation and Assembly approval.
18. This letter is copied to all Executive Ministers, the Attorney General, the Departmental Solicitor, Office of Legislative Counsel and Executive Secretariat.

JONATHAN BELL MLA

Minister of Enterprise, Trade and Investment

**FROM: JONATHAN BELL MLA
MINISTER OF ENTERPRISE, TRADE AND INVESTMENT**

DATE: FEBRUARY 2016

TO: FIRST MINISTER AND DEPUTY FIRST MINISTER

**REQUEST FOR A DECISION BY URGENT PROCEDURE – CLOSURE OF THE
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JONATHAN BELL MLA

Minister of Enterprise, Trade and Investment

From: [Kerr, Sean](#)
To: [Private Office DETI](#); [Stevenson, Valerie \(DETI Private Office\)](#); [Hegarty, Damien](#); [McLaughlin, Christine \(DETI\)](#)
Cc: [Stewart, Chris \(DETI\)](#); [Rooney, Eugene](#); [Private Office DETI](#); [Wightman, Stuart](#); [McCoy, Laura](#); [McCormick, Andrew \(DETI\)](#); [Mills, John \(DETI\)](#)
Subject: Min Clearance NI RENEWABLE HEAT INCENTIVE CLOSURE – VIEWS OF FINANCE MINISTER
Date: 01 February 2016 08:16:09
Attachments: [image001.gif](#)

Private Office

This revised sub has been cleared by Minister. Please issue urgently,

Thanks

Sean Kerr

Private Secretary to Minister Bell
Department of Enterprise, Trade and Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 90529452
Mob: Personal information redacted by the RHI Inquiry
E-mail: sean.kerr@detini.gov.uk

From: Mills, John (DETI)
Sent: 29 January 2016 17:49
To: McCormick, Andrew (DETI); Cairns, Timothy; Timothy Cairns
Cc: Kerr, Sean; Stewart, Chris (DETI); Rooney, Eugene; Private Office DETI; Wightman, Stuart; McCoy, Laura
Subject: RE: DESK IMMEDIATE: NI RENEWABLE HEAT INCENTIVE CLOSURE – VIEWS OF FINANCE MINISTER

Revised version

From: McCormick, Andrew (DETI)
Sent: 29 January 2016 17:40
To: Cairns, Timothy; Timothy Cairns
Cc: Kerr, Sean; Stewart, Chris (DETI); Rooney, Eugene; Mills, John (DETI)
Subject: Re: DESK IMMEDIATE: NI RENEWABLE HEAT INCENTIVE CLOSURE – VIEWS OF FINANCE MINISTER

I have asked Chris to drop paragraph 14 and to revise 13 as we need additional funding even if closure was immediate. He will send revise asap.

Many thanks.

Sent from my BlackBerry 10 smartphone.

From: Mills, John (DETI)
Sent: Friday, 29 January 2016 17:25
To: Private Office DETI
Cc: McCormick, Andrew (DETI); Stewart, Chris (DETI); Rooney, Eugene; Wightman, Stuart; Cooper, Trevor; Vaughan, Helen; Robson, Rod; McCrea, Ian; Kerr, Sean; DG_DETI Press Office; DETI Energy

Mailbox

Subject: DESK IMMEDIATE: NI RENEWABLE HEAT INCENTIVE CLOSURE – VIEWS OF FINANCE MINISTER

Private Office

Please see attached **desk immediate** submission from John Mills.

Regards,

Laura McCoy

Personal Secretary

Department of Enterprise, Trade & Investment

Netherleigh

Massey Avenue

Belfast, BT4 2JP

Tel: 028 9052 9200 (ext: 29200)

TextRelay: 18001 028 9052 9200

Web: www.detini.gov.uk

<cid:image001.gif@01D15AB9.A5A700D0>



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From: John Mills
Date: 29 January 2016
To: 1. Timothy Cairns
2. Jonathan Bell MLA

DETI SUB 0051/2016

NI RENEWABLE HEAT INCENTIVE CLOSURE – VIEWS OF FINANCE MINISTER

Issue: Seek comments/views from Finance Minister on consultation on RHI closure.

Timing: **DESK IMMEDIATE:** Clearance immediately to enable papers to be issued today.

Executive Committee Referral: Urgent Procedures are necessary to secure Executive approval for Tuesday 2 February 2016.

PFG Implications: The PfG targets for renewable heat are 4% by 2015 and 10% by 2020.

Presentational Issues: Internal.

FOI Implications: FOIA exempt under sections 35 (formulation or development of government policy)

Financial Implications: Potential impact on DEL of £95m over 5 years.

Legislation Implications: Legislative changes to the RHI require draft affirmative resolution Regulations.

Statutory Equality Obligations: Screened out.

Recommendation: That you issue the attached letter to the Finance Minister (**Annex A**)

Background

1. My earlier submission of 29 January invited you to agree the way forward on consulting on RHI closure. You have agreed to a 2 week public consultation commencing on 2 February 2016.
2. This timetable is predicated on securing Executive approval under urgent procedure. In accordance with paragraph 2.14 of the Ministerial Code you are required to seek, “the views of any other Ministers with a relevant interest.” Given the financial implications you should seek the views of the Finance Minister. A letter to the Finance Minister covering the draft urgent procedure letter to OFM/DFM is attached. In substance the OFM/DFM letter is very similar to the draft Executive paper attached to my submission of 19 January – with which you were content.

Recommendation

3. That you issue the attached letter to the Finance Minister for comment by 1 February.



JOHN MILLS
Energy Division
Ext. 29215

cc: Andrew McCormick
Chris Stewart
Eugene Rooney
Stuart Wightman
Trevor Cooper
Helen Vaughan
Rob Robson (DALO)
Ian McCrea MLA APS
Sean Kerr
Press Office

ANNEX A

FROM: JONATHAN BELL MLA

DATE: 01 FEBRUARY 2016

TO: MERVYN STOREY MLA

CLOSURE OF THE NORTHERN IRELAND RENEWABLE HEAT INCENTIVE (RHI)

In accordance with paragraph 2.14 of the Ministerial Code I am seeking your views on the attached letter which seeks agreement under urgent procedures to the closures of the RHI.

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JONATHAN BELL MLA

Minister of Enterprise, Trade and Investment

ANNEX B

**FROM: JONATHAN BELL MLA
MINISTER OF ENTERPRISE, TRADE AND INVESTMENT**

DATE: FEBRUARY 2016

TO: FIRST MINISTER AND DEPUTY FIRST MINISTER

**REQUEST FOR A DECISION BY URGENT PROCEDURE – CLOSURE OF THE
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