

From: [Hutchinson, Peter](#)
To: [ALAN BISSETT \(alan.bissett@arthurcox.com\)](mailto:alan.bissett@arthurcox.com)
Cc: [McCutcheon, Joanne](#); [Briggs, Peter](#)
Subject: Work Order Request - Legislative requirements relating to phase 2 of the RHI
Date: 26 February 2013 17:05:43
Attachments: [ACX RHI XXX - BLANK.DOC](#)
[image001.jpg](#)
[image002.png](#)

Alan,

Please see attached work request relating to expected legislative requirements resulting from Phase 2 of the NI Renewable Heat Incentive.

Grateful if you would consider and revert.

Thanks,

Peter

Peter Hutchinson

Renewable Heat
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9532 (ext: 29532)
Textphone: 028 9052 9304
Web: www.detini.gov.uk



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DETI ENERGY DIVISION (Renewable Heat Branch)

Work Request Form

Departmental Contact Name and tel: Joanne McCutcheon (028) 9052 9425

Date: February 2013

Work request Ref no:	ACX/RHI 004
Issue:	<p>The Northern Ireland Renewable Heat Incentive was introduced on 1 November 2012 following the passage of the Renewable Heat Incentive Scheme Regulations (Northern Ireland) 2012. The scheme provides long term incentive payments for new generators of eligible renewable heating.</p> <p>DETI is now working with external consultants to consider the introduction of a second phase of the RHI with two broad elements;</p> <ul style="list-style-type: none"> - The expansion of the non-domestic RHI to include new tariffs for more innovative technologies including deep geothermal, Air Source Heat Pumps, biomass and bioliquid CHP, landfill gas etc. This work will also consider the potential introduction of an 'uplift' tariff for community / district heating schemes where one heat source provides heating for a number of buildings, and; - The design and introduction of a domestic RHI, which will be a long term incentive scheme for domestic customers, similar in nature to the non-domestic RHI but with some differences. The issues being considered for domestic RHI that are different to commercial RHI include the length of payment (rather than 20 years maybe 5/7/10 years) and the methodology for measuring heat (deemed rather than metered). Other ongoing considerations include eligible technologies, tariff levels and eligibility standards. <p>The development of a second phase of the RHI is consistent with GB proposals with DECC already having carried out public consultations on the expansion of the GB RHI and the development of a domestic RHI.</p> <p>A third element that DECC has also considered, and DETI will do likewise, is the introduction of 'cost control' measures to ensure the financing and budget of the scheme.</p>
Action required:	<p>DETI requires legal advice on the legislative ramifications of phase 2 of the RHI, this includes;</p> <ul style="list-style-type: none"> - Advice and guidance on recent or future legislative changes in GB regarding renewable heat. - Consideration of the legislative changes that will be necessitated by policy changes to the RHI through Phase 2 of the scheme (i.e. introduction of a specific domestic RHI and expansion of the commercial scheme to include new tariffs). - Preparation of a first draft of Regulations to be included within the policy consultation document. <p>This will be an iterative process from the drafting of initial regulations based</p>

	on policy proposals for inclusion in the public consultation through to the drafting of the final regulations to reflect the final policy position. There may also be input required from DSO and Ofgem.
Date Required By:	<p>Work on the development of the initial policy proposals is ongoing and will complete mid April, it is hoped that the policy consultation could begin early May 2013. Therefore a draft copy of the regulations will be required end April.</p> <p>A meeting will be arranged between Energy Division and Arthur Cox before the work begins to discuss the key issues that need to be considered.</p>
Service Provider comment if appropriate:	
Service Provider (Company name):	Arthur Cox
Service Provider Contact Name	Alan Bissett
Estimated Cost:	
HOD Approval	
HOD Approval Date	

From: [Alan Bissett](#)
To: [Hutchinson, Peter](#)
Cc: [McCutcheon, Joanne](#); [Briggs, Peter](#); [David White](#)
Subject: RE: Work Order Request - Legislative requirements relating to phase 2 of the RHI
Date: 01 March 2013 09:52:27
Attachments: [image001.jpg](#)
[image002.png](#)

Peter

Many thanks for this.

Thursday morning would suit us best – would 10.00 am work for you?

Regards

Alan

Alan Bissett

Partner, Corporate and Commercial

t: +44 28 9026 5528

m: Personal information redacted
by the RHI Inquiry

Arthur Cox | Capital House | 3 Upper Queen Street | Belfast | BT1 6PU

www.arthurcox.com

From: Hutchinson, Peter [<mailto:Peter.Hutchinson@detini.gov.uk>]
Sent: 01 March 2013 09:05
To: Alan Bissett
Cc: McCutcheon, Joanne; Briggs, Peter; David White
Subject: RE: Work Order Request - Legislative requirements relating to phase 2 of the RHI

Alan,

What is your diary like for Wednesday 6th or Thursday 7th March? We would be free to meet at 2pm on the Wednesday or anytime on the Thursday (apart from after 3pm).

Let me know what might suit.

Thanks,

Peter

From: Alan Bissett [<mailto:alan.bissett@arthurcox.com>]
Sent: 27 February 2013 16:53
To: Hutchinson, Peter
Cc: McCutcheon, Joanne; Briggs, Peter; David White
Subject: RE: Work Order Request - Legislative requirements relating to phase 2 of the RHI

Peter

Many thanks for this.

I have now had an opportunity to review the Work Request Form and I note that a meeting with the Department is proposed - I look forward to discussing this matter further and perhaps you could let me know when would suit to meet.

Regards

Alan

Alan Bissett

Partner, Corporate and Commercial

t: +44 28 9026 5528

m: Personal information redacted by the RHI Inquiry

Arthur Cox | Capital House | 3 Upper Queen Street | Belfast | BT1 6PU

www.arthurcox.com

From: Hutchinson, Peter [<mailto:Peter.Hutchinson@detini.gov.uk>]

Sent: 26 February 2013 17:06

To: Alan Bissett

Cc: McCutcheon, Joanne; Briggs, Peter

Subject: Work Order Request - Legislative requirements relating to phase 2 of the RHI

Alan,

Please see attached work request relating to expected legislative requirements resulting from Phase 2 of the NI Renewable Heat Incentive.

Grateful if you would consider and revert.

Thanks,

Peter

Peter Hutchinson

Renewable Heat

Department of Enterprise, Trade & Investment

Netherleigh

Massey Avenue

Belfast, BT4 2JP

Tel: 028 9052 9532 (ext: 29532)

Textphone: 028 9052 9304

Web: www.detini.gov.uk



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From: [Alan Bissett](#)
To: [Hutchinson, Peter](#)
Cc: [McCutcheon, Joanne](#); [Briggs, Peter](#); [David White](#)
Subject: RE: Work Order Request - Legislative requirements relating to phase 2 of the RHI
Date: 07 March 2013 19:55:59
Attachments: [image001.jpg](#)
[image002.png](#)

Peter

Good to meet you and the team again this morning.

I note that the work required under the Work Request Form is as follows:

- 1 Advice and guidance on recent or future legislative changes in GB regarding renewable heat.
- 2 Consideration of the legislative changes that will be necessitated by policy changes to the RHI through Phase 2 of the scheme (i.e. introduction of a specific domestic RHI and expansion of the commercial scheme to include new tariffs).
- 3 Preparation of a first draft of Regulations to be included within the policy consultation document.

As discussed, we would propose to carry out the work required in relation to item 1 by 31st March 2013 and have provided a fee quote for this below. Our advice in relation to item 1 is likely to inform the view taken on the legislative changes that will be necessitated by policy changes to the RHI through Phase 2 of the scheme. As that is the case, I would suggest that we should meet when you have had an opportunity to consider our advice in relation to item 1 and we can then provide an informed fee quote for the work to be carried out in relation to items 2 and 3.

Our fee estimate for the work to be carried out in relation to item 1 above is as follows:

The team

We would propose to staff this matter as follows:

Alan Bissett (Partner); and

David White (Solicitor).

Time spent

I would anticipate that the team will spend the following time on this matter:

Fee-Earner	Hourly Rate (£)	Estimate of time (Hrs)	Estimate of Cost (excluding VAT) (£)
Alan Bissett (Partner)	Sensitive commercial information redacted by the RHI Inquiry		
David White (Solicitor)	Sensitive commercial information redacted by the RHI Inquiry		

Fee estimate

This equates to a fee estimate of Sensitive commercial information redacted by the RHI Inquiry for the work to be carried out.

Our initial review of the proposed changes in GB regarding renewable heat suggests that the expansion of the commercial scheme to include new tariffs is to be achieved by Regulations amending the existing GB RHI Regulations. However, it remains unclear whether the introduction of a

specific domestic RHI will be implemented by way of further amendments to the existing GB RHI Regulations or by stand-alone Regulations. As discussed, it would be very helpful if you could obtain information from DECC on this and draft copies of the proposed legislation for GB for use as a starting point for the corresponding NI legislation.

Please let me know if I can provide any further information at this stage.

Regards

Alan

Alan Bissett

Partner, Corporate and Commercial

t: +44 28 9026 5528

m: Personal information redacted by the RHI Inquiry

Arthur Cox | Capital House | 3 Upper Queen Street | Belfast | BT1 6PU

www.arthurcox.com

From: Hutchinson, Peter [mailto:Peter.Hutchinson@detini.gov.uk]

Sent: 26 February 2013 17:06

To: Alan Bissett

Cc: McCutcheon, Joanne; Briggs, Peter

Subject: Work Order Request - Legislative requirements relating to phase 2 of the RHI

Alan,

Please see attached work request relating to expected legislative requirements resulting from Phase 2 of the NI Renewable Heat Incentive.

Grateful if you would consider and revert.

Thanks,

Peter

Peter Hutchinson

Renewable Heat

Department of Enterprise, Trade & Investment

Netherleigh

Massey Avenue

Belfast, BT4 2JP

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Textphone: 028 9052 9304

Web: www.detini.gov.uk



From: [Hepper, Fiona](#)
To: [Hutchinson, Peter](#)
Cc: [McCutcheon, Joanne](#)
Subject: RE: Work Order Request - Legislative requirements relating to phase 2 of the RHI
Date: 14 March 2013 17:08:55
Attachments: [Brand-Derry-Londonderry2.jpg](#)
[firegameslogo.gif](#)
[image001.jpg](#)
[image002.png](#)

yes - go ahead
F

Fiona Hepper

Head of Energy Division
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
Belfast, BT4 2JP
Tel: 028 9052 9215 (ext: 29215)
Textphone: 028 9052 9304
Web: www.detini.gov.uk



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From: Hutchinson, Peter
Sent: 14 March 2013 16:37
To: Hepper, Fiona
Cc: McCutcheon, Joanne
Subject: FW: Work Order Request - Legislative requirements relating to phase 2 of the RHI

Fiona,

Are you content for us to proceed with this work order with Arthur Cox, as per Alan's email below.

The expected cost of this initial work is £

Sensitive commercial
information redacted by
the RHI Inquiry

Thanks,

Peter

From: Alan Bissett [<mailto:alan.bissett@arthurcox.com>]
Sent: 07 March 2013 19:56
To: Hutchinson, Peter
Cc: McCutcheon, Joanne; Briggs, Peter; David White

Subject: RE: Work Order Request - Legislative requirements relating to phase 2 of the RHI

Peter

Good to meet you and the team again this morning.

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David White (Solicitor).

Time spent

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Fee-Earner	Hourly Rate (£)	Estimate of time (Hrs)	Estimate of Cost (excluding VAT) (£)
Alan Bissett (Partner)	Sensitive personal information redacted by the RHI Inquiry		
David White (Solicitor)	Sensitive personal information redacted by the RHI Inquiry		

Fee estimate

This equates to a fee estimate of Sensitive commercial information redacted by the RHI Inquiry for the work to be carried out.

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Please let me know if I can provide any further information at this stage.

Regards

Alan

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Partner, Corporate and Commercial

t: +44 28 9026 5528

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From: Hutchinson, Peter [mailto:Peter.Hutchinson@detini.gov.uk]

Sent: 26 February 2013 17:06

To: Alan Bissett

Cc: McCutcheon, Joanne; Briggs, Peter

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Peter Hutchinson

Renewable Heat

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From: [Hutchinson, Peter](#)
To: [Alan Bissett](#)
Cc: [McCutcheon, Joanne](#); [Briggs, Peter](#); [David White](#)
Subject: RE: Work Order Request - Legislative requirements relating to phase 2 of the RHI
Date: 15 March 2013 09:36:04
Attachments: [image001.jpg](#)
[image002.png](#)

Alan,

Apologies for delay in getting back to you – I was out of the office for a few days.

Fiona has given her approval for you to carry out the work as per your email below.

Regards,

Peter

From: Alan Bissett [<mailto:alan.bissett@arthurcox.com>]
Sent: 13 March 2013 17:28
To: Hutchinson, Peter
Cc: McCutcheon, Joanne; Briggs, Peter; David White
Subject: RE: Work Order Request - Legislative requirements relating to phase 2 of the RHI

Peter

Given the timing on this one, I just wanted to check if you have had an opportunity to consider my email below.

Regards

Alan

Alan Bissett
Partner, Corporate and Commercial
t: +44 28 9026 5528
m: Personal information redacted
by the RHI Inquiry
Arthur Cox | Capital House | 3 Upper Queen Street | Belfast | BT1 6PU
www.arthurcox.com

From: Alan Bissett
Sent: 07 March 2013 19:56
To: 'Hutchinson, Peter'
Cc: McCutcheon, Joanne; Briggs, Peter; David White
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Sent: 26 February 2013 17:06

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Cc: McCutcheon, Joanne; Briggs, Peter

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