



Hugh Alexander Rutledge
Highgate Poultry Ltd
c/o W F Lemon & Co Ltd
76 Main Street
Lisnaskea, Enniskillen
County Fermanagh
BT92 0JD

By post and email:

Personal information redacted by the RHI
Inquiry

14 June 2017

Dear Sir

Re: The Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme
Provision of a Section 21 Notice requiring the provision of evidence in the form of a written statement

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I enclose a copy of the RHI Inquiry's Terms of Reference for your information.

You may be aware from media reports that the RHI Inquiry is conducting its investigations into the matters set out in its Terms of Reference. The Inquiry is continuing with the process of gathering all of the relevant documentation from relevant departments, organisations and individuals. In addition, the Inquiry has also now begun the process of requiring persons who have been, or who may have been, involved in the range of matters which come within the Inquiry's Terms of Reference to provide written evidence to the Inquiry Panel.

In this context, it would be of assistance to the Inquiry to have a statement from you setting out your involvement with the Non Domestic Renewable Heat Incentive Scheme in Northern Ireland ('the Scheme').

In keeping with the approach we are taking with others, the RHI Inquiry is now issuing to you a Statutory Notice (known as a 'Section 21 Notice') pursuant to its powers to compel the provision of evidence in the form of a written statement in relation to the matters falling within its Terms of Reference.

The Section 21 Notice enclosed with this letter requires you to provide evidence to the RHI Inquiry Panel in the form of a written statement addressing the matters identified in the Schedule to the Section 21 Notice. As the text of the Section 21 Notice explains, you are required by law to comply with it.

The aim of the enclosed Notice is to require you to provide all relevant evidence within your knowledge which is pertinent to the Inquiry's Terms of Reference. The Schedule to the enclosed Section 21 Notice provides further detail as to the matters which should be covered in the written evidence which is required from you. In the event that there is a category of information in respect of which you have no evidence, please state this in your response. Where you can provide evidence, then the more comprehensive your statement is, the less likely it is that the Inquiry will have to revert to you at a later stage for clarification, although in many cases this is likely to be necessary to some degree.

If it would assist you, I am happy to meet with you (or your legal representative) to discuss what evidence you may be able to provide and whether it is covered by the Inquiry's request.

Receipt of this correspondence and its enclosures places you under a duty of confidentiality to the RHI Inquiry in respect of them. You may share the correspondence and the enclosed Notice with a legal representative or representatives, but neither you nor they may show, communicate the contents of, or provide this correspondence or the Notice to any other person or organisation without the express permission of the RHI Inquiry. Any breach of this duty of

confidentiality is actionable at the suit of the Inquiry Chairman.

You will also find attached to the Section 21 Notice a Guidance Note explaining the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice. In particular, you are asked to provide your evidence in the form of the template witness statement which is also enclosed with this correspondence.

Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

Finally, I would be grateful if you could acknowledge receipt of this correspondence and the enclosed notice by email to Patrick.Butler@rhiinquiry.org.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Butler', written in a cursive style.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE

[No 287 of 2017]

1. Explain your occupation or employment and why you were interested in the Non Domestic Renewable Heat Incentive Scheme in Northern Ireland ('the Scheme').

2. Arising out of your response to the letter from the Solicitor to the RHI Inquiry, received on 25 May 2015, explain further the direct or indirect involvement that you had with, or in relation to, the RHI Scheme or any aspect of it prior to its suspension in February 2016. In particular, please provide full details of the following:
 - a. Why you decided to apply to the Scheme;
 - b. The date your boiler was installed;
 - c. The date you made an application to the Scheme;
 - d. The date your installation was accredited;
 - e. The date upon which you received your first RHI payment;
 - f. From whom you received 'advice to install multi-fan heaters';
 - g. The company you employed to provide and install your biomass boiler; and
 - h. The company, if any, you engaged to assist with your application to the Scheme.

3. Explain why you decided to start a poultry company in summer 2014? In particular, was this related in any way to the availability of subsidies under the RHI Scheme?

4. The RHI Inquiry has been made aware, by both yourself and John Robinson in his statement to the Inquiry, of your connection as his father-in-law. Arising out of this, please provide full details of the following:

- a. All contact you had with John Robinson in relation to or touching upon the Scheme at any time (including so far as possible the date and time of such communication and the means of such communication) and specifying, in each instance, the nature and purpose of the contact; and
 - b. Any information you received from John Robinson, touching on or relating to the Scheme (including so far as possible the date and time of the provision of such information).
5. Specify whether you were encouraged by John Robinson to seek accreditation under the Scheme, were assisted in doing so, or were provided with information which encouraged you to apply or to consider applying. Please provide full details, including the relevant dates.
6. Specify whether you were encouraged by any other party to seek accreditation under the Scheme, were assisted in doing so, or were provided with information which encouraged you to apply or to consider applying. Please provide full details, including the identity of the person or persons concerned and the relevant dates.
7. Specify whether you used any information which had been shared with you to advise, encourage, assist, or cause other persons to apply, or consider applying, for accreditation under the Scheme. In respect of any such instance, please provide full details, including (but not limited to) the information you shared, the third party concerned and the date of any steps taken by you in that regard.
8. Specify whether you are aware of John Robinson sharing information in relation to the RHI Scheme (in particular, but not limited to, information about the amendment of the Scheme or the introduction of costs controls into the Scheme) with any other persons, giving details of the identity of such other persons and what information was shared by John Robinson in relation to the RHI Scheme, as far as you can.

9. Without prejudice to the generality of paragraph 7 above, specify whether, to your knowledge, John Robinson provided or shared any information in relation to the Scheme with either Lorraine Rutledge or Kyle Rutledge. If so, please provide full details.
10. Please provide details of each and every communication, either direct or indirect, between you and any other person in relation to the RHI Scheme (providing the nature, date, and place of each communication as well as details of the persons between whom each such communication occurred).
11. Specify any email addresses used by you and any telephone numbers used by you.
12. Specify whether John Robinson (or his wife) has, or has previously had, any financial interest, either directly or otherwise, in your business or businesses.
13. Specify when you first became aware that subsidies payable under the Scheme exceeded the cost of biomass fuel used to produce heat (so that there was an incentive in some cases to produce heat merely to make profit from the Scheme) and how you so became aware.
14. Provide any further evidence within your knowledge or belief which is relevant to the matters that the RHI Inquiry is investigating as set out in the RHI Inquiry's Terms of Reference.

NOTE:

It is important for the efficiency of the RHI Inquiry that the issues identified above are addressed as fully as possible and by reference, where available, to the dates and locations of specific incidents to which reference is made. The statement should be broken down into paragraphs, which should be numbered sequentially from '1' to the end. The use of appropriate section headings or sub-headings is also encouraged.

A template witness statement is provided with this Notice for your assistance and should be used as the format for your response.



Hugh Alexander Rutledge
Highgate Poultry Ltd
c/o W F Lemon & Co Ltd
76 Main Street
Lisnaskea, Enniskillen
County Fermanagh
BT92 0JD

By post and email:

Personal information redacted by the RHI
Inquiry

14 June 2017

Dear Sir

**Re: The Independent Public Inquiry into the Non Domestic Renewable Heat
Incentive (RHI) Scheme**
Provision of a Section 21 Notice requiring the production of documents

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

As you will be aware from my other correspondence to you of today's date, the RHI Inquiry is conducting its investigations into the matters set out in its Terms of Reference. A key part of that process is gathering all of the relevant documentation from relevant departments, organisations and individuals.

The Inquiry is aware that you may have had some involvement in matters coming within the Inquiry's aforementioned Terms of Reference. Consequently, the Inquiry anticipates that you may hold documents relevant to the RHI Inquiry's Terms of Reference.

In keeping with the approach we are taking with other organisations and

individuals, the RHI Inquiry is now issuing to you a Statutory Notice (known as a 'Section 21 Notice') pursuant to its powers to compel the production of relevant documentation.

This Notice is issued to you in a personal capacity. It relates to documents within your custody or control.

If for any reason you consider that this Notice does not cover all documents that may be relevant to the RHI Inquiry, then the RHI Inquiry would be grateful if you could identify to it any other individual or body that should be served with a similar Notice so as to ensure that there are no areas of relevant documentation which are overlooked.

As the text of the Section 21 Notice explains, you are required by law to comply with it.

It is possible that in due course you will be required by a further Section 21 Notice, pursuant to section 21(2)(a) of the Act, to provide evidence to the Inquiry Panel in the form of a written statement to the effect that you have fully complied with the terms of the enclosed Notice.

If it would assist you, I am happy to meet with you and/or your legal representative(s) to discuss what documents you have and whether they are covered by the Section 21 Notice.

You will also find attached to the Section 21 Notice a Guidance Note explaining the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice. In addition, as referred to above, you will also find enclosed a copy of the RHI Inquiry's Terms of Reference to assist you in understanding the scope of the Inquiry's work and therefore the ambit of the Section 21 Notice.

Given the tight time-frame within which the RHI Inquiry must operate, the Chairman of the Inquiry would be grateful if you would comply with the

requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

If you do not hold documentation in respect of some of the categories of document specified in the Section 21 Notice, please state this in your response. If it is possible to indicate by whom such information might be held, if it is not held by your organisation, the Inquiry would find that of assistance.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Butler', written in a cursive style.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE

[No 288 of 2017]

1. Any document relating to or touching upon any of the issues raised in the Schedule to Section 21 Notice No 287 of 2017, also dated 14 June 2017 and served upon you, Hugh Alexander Rutledge.
2. Any other documents, whether in electronic or hard copy, which relate to a matter in question at the RHI Inquiry, or which might be relevant to the matters the RHI Inquiry is investigating (see, further, the note below).

NOTE:

By virtue of section 43(1) of the Inquiries Act 2005, "document" in this context has a very wide interpretation and includes information recorded in any form. This will include, for instance, correspondence, handwritten or typed notes, diary entries and minutes and memoranda. It will also include electronic documents such as emails, text communications and recordings. In turn, this will also include relevant email and text communications sent to or from personal email accounts or telephone numbers, as well as those sent from official or business accounts or numbers. By virtue of section 21(6) of the Inquiries Act 2005, a thing is under a person's control if it is in his possession or if he has a right to possession of it.

RHI / 88 / 2017

WIT- 215112

Highgate Poultry Ltd
60 Magheraveely Road
Newtownbutler
BT92 6LD

RHI Inquiry
05 JUL 2017

4 July 2017

Dear Mr Butler,

I received your letters dated 14 June 2017. I have tried to answer them to the best of my ability and have enclosed them with this letter.

As I have typed my replies on computer, I haven't used the template you provided. If this is a problem please let me know.

These replies cover "schedule 288 of 2017" and "schedule 287 of 2017".

Yours faithfully,



Hugh Rutledge – Highgate Poultry Ltd

RHI Ref: 287 and 288 of 2017

Date: 4 July 2017

Witness statement of Hugh Rutledge (Highgate Poultry Ltd)

I, Hugh Rutledge, will say as follows:-

1. I am a full-time farmer. In 2014 I diversified into poultry. Due to the necessity for a heating system in the poultry site we had a choice of gas or the new technology at the time which was biomass and renewable heat.

2.
 - a. Being new to the poultry industry I took advice and very quickly realised that gas heating in poultry was not the best way to go. At the time the new technology was biomass. We spoke to exhibitors at the Balmoral Show and the Fermanagh County Agricultural show. They had the boilers on display and demonstrated that there was an incentive scheme to support this type of heating system. Afterwards, I received three quotes and this convinced me it was a good heating solution for me. (see emails attached).

 - b. I can't be exact about the date that the heating system was installed. I received a quote from D&M Plumbing and Heating Engineers on 15 January 2015 and have an invoice marked 'paid' dated 28 April 2015 (invoice number 0509) for two 36Kw boilers.

On 26 May 2015 (invoice 0510) I have an invoice marked 'paid' for the "heating up and running" of the system. I take this to mean that the boilers were installed and working at this point. In early June 2015, I purchased approx. five tonnes of pellets as my first batch of chickens required heat in the first week of July 2015.

An invoice from 29 July 2015 (invoice number 0514) was for the insulating of the pipework. I decided to take this measure as heat was being lost from the system and meant the boilers were having to run more than necessary. I wanted to reduce heat-loss.

- c. In my email (25 May 2017) I made a mistake in saying 15 July 2015 was the 'application' date. This was in fact the date of 'commissioning.' I apologise for this mistake. The application form seems to have been submitted on 3 August 2015. I confess I find the online system confusing but I think 3 August 2015 is the correct date.
 - d. 2 September 2015
 - e. 4 December 2015
 - f. DMC Feed Systems Ltd. See quotation 15 May 2015.
 - g. D&M Plumbing and Heating Engineers
 - h. I didn't employ any help.
3. I was a beef farmer all my life. Market prices had cut profit margins and made the business profitability difficult. My son Kyle was working in Australia, and would have liked to return home to join the farm business.

I decided to diversify to sustain the business and create employment for Kyle. I had been interested in poultry for several years and had been in touch with Moypark on numerous occasions over a period of about five years. This interest in starting a poultry unit was on going long before RHI scheme started.

It was approximately March 2014 (see email from Brian Gibson) when Moypark came to my farm and picked a site to build a three house unit and offered me a "grandparent" contract to produce eggs for them. All other decisions taken flowed from that contract, one of the decisions was whether to use gas or biomass.

The RHI Scheme had no bearing on my decision to start a poultry business.

- 4.
- a. I had no contact with John Robinson about applying to the RHI Scheme. Any discussions about the Scheme with John Robinson would have been as a result of news coverage about the RHI Scheme. This would have been in late 2016 and early 2017.

As a beef farmer, being used to my Single Farm Payment being published, I remember telling John Robinson that I didn't care if the government published my RHI payment information or not, but that I felt the installation and purchase costs of the boiler should also be published, because I thought the public should know of the initial expenditure in purchasing the equipment.

Questions started to be raised on the internet in January 2017 about me being on the RHI Scheme and John Robinson being my son-in-law. John and I discussed this face-to-face and in phone calls.

When John Robinson was making a public statement about Highgate Poultry being a recipient of the RHI he provided details of the statement by text message. My son also supplied details of my RHI application to John Robinson to be used in his public statement. This was in January 2017 by telephone and text message. (text messages printed.)

- b. At no time did I receive any information about the Scheme from John Robinson, prior to media coverage in the Autumn/Winter 2016, when we discussed the publishing of the RHI names.
5. No. John Robinson had no role in my application to the RHI Scheme or in giving me any information about it.
6. Nothing beyond that outlined in question 2.
7. No, I never encouraged anyone to apply to the RHI Scheme.
8. No. I am not aware of John Robinson sharing any information with anyone about the RHI Scheme or any amendment to the Scheme.
9. No, I am not aware of John Robinson sharing any information about the RHI Scheme with either Kyle Rutledge or Lorraine Rutledge.
10. I would have discussed the RHI Scheme with:
- Moy Park
 - Future Renewables (Ballinamallard)
 - Green Energy Engineering Ltd (Dromore Co Down)
 - Brites (pellet supplier)
 - D&M Plumbing and Heating Engineers
 - DMC Feeds Ltd
 - Salt Electrical
 - Ofgem
 - Department for the Economy

I have attached hard copies of communications to this reply.

11. Personal information redacted by the RHI Inquiry
Personal information redacted by the RHI Inquiry
Personal information redacted by the RHI Inquiry

main@highgatepoultry.uk

12. Neither John Robinson nor my daughter (his wife) has ever had any financial interest in my business.
13. When I was looking for a heating system for my poultry sheds, installers told me about the incentive and the return on the investment over 20 years. (see Future Renewables emails) Biomass is more expensive to run than oil or gas so the incentive made it viable to use. I wasn't really focused on the incentive rather I was interested in the best method to heat my poultry sheds. I put in the smallest boilers (2x36kw) which would heat my sheds.
14. I have included everything that I am aware of at the moment but if anything new arises, I will certainly make you aware of it.

Statement of truth

I believe that the facts stated in this witness statement are true.

Signed *Hugh Rutledge*

Date *4th July 2017*