

**To:** 'Hughes, Seamus'[Seamus.Hughes@detini.gov.uk]  
**Cc:** Wightman, Stuart[Stuart.Wightman@detini.gov.uk]; Edmund Ward[Edmund.Ward@ofgem.gov.uk]  
**From:** Nadia Carpenter  
**Sent:** 2014-09-01T11:45:37Z  
**Importance:** Normal  
**Subject:** RE: TRIM: RE: Response to Stuart Wightman's 10/07/2014 letter  
**Received:** 2014-09-01T11:45:39Z

Hi Seamus,

Thanks for your email. Just tried to call. If you are happy with the revised operating hours information Brooklands have sent over then I can ask the reviewer to proceed with the Magherafelt review. I was wondering whether we should proceed considering Brooklands are claiming 8 hours of operation per day for their Magherafelt installation. Do you consider this realistic for a care home? As part of your state aid analysis you will need to check whether the figures submitted are reliable or are in fact designed to ensure that the de minimis limit isn't breached.

Thanks,  
 Nadia

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**From:** Hughes, Seamus [mailto:Seamus.Hughes@detini.gov.uk]  
**Sent:** 01 September 2014 12:29  
**To:** Nadia Carpenter  
**Cc:** Wightman, Stuart; Edmund Ward  
**Subject:** RE: TRIM: RE: Response to Stuart Wightman's 10/07/2014 letter

Nadia

Many thanks for this. Hopefully we can get the agreement on how to proceed formalised soon and move on quickly thereafter with accreditation. With that in mind I think you should make contact with Brooklands about the outstanding information for the Magherafelt home so that we don't build in any further delays. Brooklands and their installer in communication they have had with me would seem confident that based on revised operation hours they have submitted all should now be in order.

Regards  
 Seamus

### **Seamus Hughes**

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

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**From:** Nadia Carpenter [mailto:Nadia.Carpenter@ofgem.gov.uk]  
**Sent:** 28 August 2014 13:59  
**To:** Hughes, Seamus  
**Cc:** Wightman, Stuart; Edmund Ward  
**Subject:** RE: TRIM: RE: Response to Stuart Wightman's 10/07/2014 letter

Hi Seamus,

Please find the information attached. We have accepted your email as a formal request in line with relevant data protection legislation. (Apologies, I wasn't sure previously whether we could forward the information before the exchange of letters between Chris Poulton and Stuart Wightman was concluded).

#### **Brooklands**

The Brooklands operating hours justification email is the first attachment. The completed state aid declarations for the two Brooklands installations are the second and third.

#### **Lusty Beg**

The operating hours justification email is the fourth attachment and the state aid declaration the fifth.

#### **Spa Nursing Home**

The operating hours justification email is the sixth attachment and the state aid declaration the seventh.

We won't be able to move to accreditation until the agreement is formalised but this shouldn't be long- we're hoping to get our response to you in the next few days. I have just been looking at the Brooklands applications and although Kilkeel is ready for accreditation with all eligibility checks complete, Magherafelt is incomplete. Should I have the reviewer contact the applicant on this? (We must be careful not to waste the applicant's effort if accreditation is unlikely).

Please let me know whether you require anything else to complete your assessments.

Thanks and kind regards,  
Nadia

**From:** Hughes, Seamus [<mailto:Seamus.Hughes@detini.gov.uk>]

**Sent:** 27 August 2014 10:16

**To:** Nadia Carpenter

**Cc:** Wightman, Stuart

**Subject:** FW: TRIM: RE: Response to Stuart Wightman's 10/07/2014 letter

**Importance:** High

Nadia

We have agreed in principle on how we are to proceed with these Carbon Trust Loan cases, (pending your formal response), and DETI is keen to move quickly now to resolve as many of these as we can. In that regard I would be grateful if you could advise on when we can expect the relevant papers and Ofgem assessment to enable us to consider and provide a decision to Ofgem?

Based on the information you have provided the impacted installations are as below. I am aware that Brooklands Healthcare has now provided further revised operating hours to Ofgem for consideration. In summary, in light of this information, (subject to DETI sight and consideration of the detail), there is potential to clear the cases bar Eglinton Timber and the three Plant Nurseries which may have to await amendment to the Regulations to enable payback of the Carbon Trust Loans.

Happy to discuss as required.

Organisation/Installation Name	Organisation Type	Capacity	Relevant EUR de minimis limit for application	Relevant de minimis limit exceeded?	Completion/Commissioning date (relevant for option of loan repayment)
Irrelevant information redacted by the RHI Inquiry					
McGrane Biomass 1	Plant Nursery	400	7,500 (Agriculture)	YES	07/01/2014
Brooklands Healthcare	Nursing Home	99	200,000 (General)	YES (as both Brooklands installations would be considered together).	12/02/2014
Brooklands Healthcare	Nursing Home	99	200,000 (General)	YES (as above)	29/04/2014
Eglinton Timber	Timber Merchants	990	200,000 (General)	YES	30/05/2013
Lusty Beg Hotel Spa	Hotel and Spa	99	200,000 (General)	Not if revised operating hours accepted.	10/12/2013
Spa Nursing Home	Nursing Home	99	200,000 (General)	Not if revised operating hours accepted.	14/05/2014

Regards

Seamus

**Seamus Hughes**

Renewable Heat

Department of Enterprise, Trade & Investment

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Received from OFGEM on 22.05.2017  
Annotated by RHI Inquiry

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

**From:** Hughes, Seamus  
**Sent:** 21 August 2014 09:33  
**To:** 'Nadia Carpenter'  
**Cc:** Wightman, Stuart  
**Subject:** TRIM: RE: Response to Stuart Wightman's 10/07/2014 letter

Nadia

I have discussed with Stuart and we are content that you proceed as proposed. We await sight of your letter and then we can move to put the necessary arrangements in place.

On a related issue I left you a voicemail query earlier about the Lusty Beg application and the potential turnaround time at your side if, as I now understand this is coming in under the de minimis limit using the revised operation hours.

Regards

Seamus

**Seamus Hughes**

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

**From:** Nadia Carpenter [<mailto:Nadia.Carpenter@ofgem.gov.uk>]  
**Sent:** 20 August 2014 18:31  
**To:** Hughes, Seamus  
**Cc:** Edmund Ward  
**Subject:** Response to Stuart Wightman's 10/07/2014 letter

Hi Seamus,

Following extensive legal review we have the following wording approved to send as part of our response to Stuart Wightman's letter of 10<sup>th</sup> July.

Please note that it:

1. Suggests the transfer to DETI of all decisions on publicly funded grants, not only state aid.
2. Requires a change to the Administrative Arrangements.

Please could you let us know if this presents a problem for you or whether we are ok to send the letter.

With thanks and kind regards,

Nadia

**Approach to Carbon Trust loans**

Thank you for your letter of 10<sup>th</sup> July 2014 in which you set out your proposals for how Ofgem may treat NIRHI applications where a Carbon Trust loan has been received. Your proposals bring us closer to reaching a position on the long running issue which has caused 8 NIRHI applications to be placed on hold. I am very pleased that our teams are working together to find a solution to this matter.

I note the categorisation you propose to apply to NIRHI applicants. I also note your intention to amend the NIRHI Regulations to make the option of repaying other public support, in order to access NIRHI support, available to all applicants. We would welcome the opportunity to input into the development of policy in this area so that we can advise on any impacts such as associated administrative costs.

With regard to our administrative approach prior to any regulatory amendment I can confirm that we are happy to administer all Category 1 applicants in line with your proposal.

For Category 2 I have considered the administrative burden placed on us when we receive an application in receipt of a Carbon Trust loan. I can confirm that while we are prepared to gather information on grants from public funds and other public support the applicant may have received, we would not be in a position to make any decision on where Category 2 applicants fall in relation to the relevant de minimis limit. This is due to the complexities [and resource requirements] involved in conducting any level of state aid analysis. As we would not be able to make ourselves satisfied in relation to Category 2 applicants I suggest that these are treated in line with the approach to Category 3 i.e. Ofgem will assess the application against the eligibility criteria. If the application satisfies the eligibility criteria, but it is apparent that the applicant may have received a grant from public funds or other public support within the meaning of

regulation 23 we will forward the relevant information to DETI for DETI to confirm whether that is the case and, if so, whether the grant or public support falls below the relevant state aid de minimis threshold. DETI will inform Ofgem of the result of that analysis following which Ofgem will proceed to determine the application taking into account that analysis.

The Administrative Arrangements would need to be amended to reflect this division of responsibility for the relevant functions as between Ofgem and DETI. It may also require a change to the Guidance.

**Nadia Carpenter**

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