



RENEWABLE HEAT
INCENTIVE INQUIRY

WIT - 198001

RHI Inquiry
1st Floor, Waterfront Plaza
8 Laganbank Road
BELFAST BT1 3LY

T: 028 9040 8833
E: general@rhiinquiry.org
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Ian David Turkington
Turkington Engineering
C/o Tri-Met Limited
14 Tullylagan Road
Sandholes, Cookstown
Co Tyrone
BT80 9AZ

By post and email: info@turco.co.uk

20 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 will no doubt be aware 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.

Chairman: Rt Hon Sir Patrick Coghlin | Secretary: Andrew Browne | Solicitor: Patrick Butler

In this context, it would be of assistance to the Inquiry to have a statement from you setting out the involvement of Turkington Engineering, its servants and agents, ('the Company') with the Non Domestic Renewable Heat Incentive Scheme in Northern Ireland ('the RHI 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.

Please bear in mind that, although the RHI Inquiry now has a good working knowledge of the RHI Scheme, the witness statement required by the enclosed Notice is likely (in common with others) to be published by the RHI Inquiry in due course. It should therefore ideally be written in a way which is as accessible as possible in terms of public understanding.

The aim of the enclosed Notice is to require you to provide all relevant evidence within your knowledge and that of the Company 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 or the Company have no evidence, please state this in your response. Where you or the Company 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.

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 your legal representative(s), and with relevant employees, servants or agents of the Company 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



Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE

[No 311 of 2017]

1. Summarise the involvement of Turkington Engineering, its servants and agents ('the Company') in each of the following areas during the period from 2010 onwards:

a. the Renewable Heat Industry in Northern Ireland;

b. the Renewable Heat Industry in Great Britain;

(such as, for example, involvement in the manufacture or supply of biomass fuel, involvement in the manufacture, supply or maintenance of biomass heating plant, involvement in any relevant representative bodies, etc.).

2. Explain any direct or indirect involvement that the Company had in the Non Domestic Renewable Heat Incentive (RHI) Scheme in Northern Ireland ('the RHI Scheme') or any aspect of it prior to its suspension in February 2016, including, in particular:

a. any involvement that the Company had in the process leading to the creation of the RHI Scheme;

b. any involvement that the Company had in the 2011 public consultation exercise concerning the proposed Scheme;

c. any involvement that the Company had in the 2013 public consultation exercise concerning the RHI Scheme;

d. the nature and number (or approximate number) of commercial transactions (if any) engaged in by or on behalf of the Company connected to the RHI Scheme (such as, for example, the supply and installation of biomass heating plant for accreditation under the Scheme) including a breakdown of the number of such transactions

engaged in by or on behalf of the Company in each relevant financial year and the name and address of the other party / parties to each such transaction;

e. whether the Company, either directly or indirectly, ever earned any tariff income from the RHI Scheme and, if it did so, provide details of each sum earned by it as well as details of when, how, the precise installations in respect of which, and the terms under which, it earned same;

f. (if applicable) the Company's experience of the amount of time (in terms of days or weeks) that typically elapsed between:

i. the date of biomass heating plant being ordered and its installation;

ii. the date of biomass heating plant being ordered and its commissioning into service;

iii. the date of biomass heating plant being ordered and its accreditation under the RHI Scheme;

iv. the date of application for accreditation of biomass heating plant under the RHI Scheme and its accreditation;

(if, in the Company's experience there was no typical time lapse in this regard and/or if the typical time lapse changed as each year passed, then please provide details of both the minimum and maximum periods experienced by the Company in respect of each of the foregoing sub-paragraphs and/or break your answers down by reference to each relevant year);

- g. any involvement of the Company in representative, trade, or other similar groups along with other persons or bodies with an interest in the Renewable Heat Industry in Northern Ireland and/or the RHI Scheme;
- h. any involvement, whether direct or indirect, that the Company had in advertising or promoting the RHI Scheme (including, in particular, making unsolicited visits or approaches to potential applicants under the Scheme), and/or providing information, education, assistance, guidance or advice regarding the Scheme (including, in particular, in respect of the financial benefits available, and the possible rate of return and/or income that was achievable, under the Scheme), to the Northern Ireland market including details of every step taken in this regard, the date (or approximate date) when every such step was taken, the persons in respect of whom every such step was taken, and the results of same;
- i. any involvement of the Company:
 - i. in preparing or conducting applications for accreditation on behalf of applicants under the RHI Scheme including whether, if the Company had such involvement, the said services were provided in connection with a related commercial transaction involving the Company (e.g. a contract for the installation of biomass heating plant);
 - ii. in directing its customers to any other persons who could provide services in respect of preparing or conducting applications for accreditation under the RHI Scheme on behalf of those customers;
- j. any involvement of the Company in, or any knowledge on the part of the Company of, any arrangement or practice under which Ofgem gave priority to certain classes of applicant for accreditation (e.g. applicants in a particular sector in the economy, applicants associated with

particular suppliers or installers, etc.), including full details of any such arrangement or practice;

- k. any potential risks, flaws, problems, anomalies, loopholes, or other issues regarding the proposed RHI Scheme, or the RHI Scheme as enacted, which came to the Company's attention, including details of when the Company first became aware of each such issue and the actions (if any) taken by the Company as a result;
- l. any instances of whistle-blowing by or on behalf of, or to, the Company in relation to the RHI Scheme, or any disclosures made by or on behalf of, or to, the Company raising concerns about the RHI Scheme, of which you are aware, including details of when such communications occurred and to whom, and by whom, each such communication was made;
- m. any instances of lobbying or encouragement, by or on behalf of the Company, of Ministers, Special Advisers, Civil Servants, politicians, political parties, their respective servants or agents, or other relevant persons in relation to the terms of the RHI Scheme and/or the introduction, non-introduction, variation or delay of the introduction of cost controls into the Scheme (including, but not limited to, the amendment of tariffs, tiering, degression and Scheme suspension or closure).

3. Based upon the Company's technical experience and expertise, please explain the following:

- a. Typical life-spans of biomass heating plant (including an explanation of how, if at all, this is affected by load factor) and the options available, and associated costs, for seeking to extend the life-span of such plant;

- b. The process for rating such plant (including, in particular, the difference between biomass boilers rated at 99kW and those rated at 100kW and how such rating is achieved, verified and monitored);
 - c. The technical and environmental reasons why one might, or might not, use a multiple number of lower rated boilers at a particular site rather than a lesser number of higher rated boilers at the site.
4. Without prejudice to the generality of the foregoing:
- a. summarise the involvement (if any) of the Company in the Non-Domestic Renewable Heat Incentive Schemes in each of Great Britain ('the GB Scheme') and the Republic of Ireland ('the ROI Scheme');
 - b. summarise the key differences (if any) between:
 - i. the GB Scheme and the RHI Scheme;
 - ii. the ROI Scheme and the RHI Scheme;of which the Company was aware prior to November 2015, with particular regard to biomass heating plant;
 - c. clarify whether the Company, prior to November 2015, considered the RHI Scheme to have the potential to provide a greater financial return, for persons seeking to generate heat through eligible biomass heating plant and/or for those persons commercially connected to them such as suppliers or installers, than the GB Scheme and/or the ROI Scheme, and, if it did so consider, explain the Company's reasoning in this regard;
 - d. clarify whether the Company, prior to late November 2015, considered the RHI Scheme to be potentially more open to abuse or gaming, for persons seeking to generate heat through eligible biomass heating plant and/or for those persons commercially connected to them such as suppliers or installers, than the GB Scheme and/or the ROI

Scheme, and, if it did so consider, explain the Company's reasoning in this regard;

- e. if the Company at any such time considered the RHI Scheme to have the aforementioned potential to provide a greater financial return, and/or to be potentially more open to abuse or gaming, than the GB Scheme and/or the ROI Scheme, set out in detail the actions (if any) taken by the Company as a result of, or which were influenced by, such knowledge or belief on its part (e.g. focussing its commercial activities in the NI, rather than the GB or ROI, market, or communicating with Ofgem or other persons about potential abuse or gaming).

5. Without prejudice to the generality of the foregoing:

- a. please provide details of all communications, passing in either direction, between the Company or any person connected to it (on the one side) and Ministers, Special Advisers, Civil Servants, politicians, political parties, or their respective servants or agents (on the other side) in relation to the introduction, non-introduction, variation or delay of the introduction of cost controls into the RHI Scheme (including, but not limited to, the amendment of tariffs, tiering, degression and Scheme suspension or closure), in particular during 2015 (providing the nature, date, and place of each communication as well as details of the persons between whom each such communication occurred);
- b. in particular and, once again, without prejudice to the generality of the foregoing, please provide details of each and every communication between the Company or any person connected to it and officials in the Department for Enterprise, Trade, and Investment ('DETI'), DETI Energy Division, and/or DETI Renewable Heat Branch in relation to the introduction, non-introduction, variation or delay of the introduction of cost controls into the RHI Scheme (including, but not limited to, the amendment of tariffs, tiering, degression and Scheme suspension or closure), in particular during 2015 (providing the nature, date, and

place of each communication as well as details of the persons between whom each such communication occurred);

- c. identify each and every document containing, recording, or relating to the communications to which reference is made in sub-paragraphs a. and b.;
- d. please provide details of all communications, passing in either direction, between the Company or any person connected to it (on the one side) and any persons other than Ministers, Special Advisers, Civil Servants, politicians, political parties, or their respective servants or agents (on the other side) in relation to the introduction, non-introduction, variation or delay of the introduction of cost controls into the RHI Scheme (including, but not limited to, the amendment of tariffs, tiering, degression and Scheme suspension or closure), in particular during 2015 (providing the nature, date, and place of each communication as well as details of the persons between whom each such communication occurred).

6. In respect of the period prior to the suspension of the Scheme in February 2016, and to the extent that it has not already been covered when addressing the issues raised in the preceding paragraphs of this Schedule, please provide details of all dealings that the Company, or other persons connected to it, had with:

- a. Ministers, Special Advisers, Civil Servants, politicians, political parties, or their respective servants or agents;
- b. Ofgem, its servants or agents;
- c. persons *other than* Ofgem, Ministers, Special Advisers, Civil Servants, politicians, political parties, or their respective servants or agents

which are relevant to the matters that the RHI Inquiry is investigating as set out in the Inquiry's Terms of Reference.

7. Identify any instances, of which either you or the Company is aware, where a Minister, Special Adviser, Civil Servant or any other person involved in the RHI Scheme (including, if applicable, yourself):
 - a. breached relevant standards (including, but not limited to, the Nolan Principles, the Ministerial Code of Conduct, the Civil Service Code of Conduct, the Code of Conduct for Special Advisers and/or terms or conditions of employment or service) or acted in a way incompatible with their duties;
 - b. acted in circumstances relating to or touching upon the Scheme in any way where they had a real or perceived conflict of interest;

in respect of any such instances, providing details and specifying the basis for any belief that there has been a breach of a relevant standard or duty or that a conflict of interest arose.

8. Provide any further evidence within your knowledge or belief, or that of the Company, 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.

21+1/85/201+

WIT - 198012

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BT80 9AZ

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RHI Inquiry
04 JUL 2017



29th June 2017

Mr Patrick Butler
RHI Inquiry
1st Floor, Waterfront Plaza
8 Laganbank Road
Belfast
BT1 3LY

Dear Mr Butler

I am writing in response to your request for information under the Section 21 Notice of the RHI Inquiry.

To this end, please find my witness statement enclosed.

Please note that your contact information for our company is incorrect. In future, please can you direct all further correspondence to myself:

Ryan Turkington
Turco Eng Ltd
14 Tullylagan Road
Cookstown
BT80 9AZ

Email: ryan.turkington@turco.co.uk

Personal information redacted by the RHI Inquiry

Yours sincerely

Ryan Turkington
Managing Director

Mob: [redacted]

Personal information redacted by the RHI Inquiry



INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

RHI REF: Notice 311 of 2017

DATE: 29/06/17.

Witness Statement of: Ryan Turkington (Turco Eng Ltd).

I, Ryan Turkington, will say as follows: -

1.
 - a. Supply of biomass boilers.
 - b. NO INVOLVEMENT.

2.
 - a. NONE.
 - b. NONE.
 - c. NONE.
 - d. Approx 100 INSITUS.



e. Yes, 3 x INSTALS 28kW = £ 9542 09/12/13 - 08/02/17.
 99kW = £ 13470 03/03/15 - 02/03/17.
 99kW = £ 763 09/02/16 - 08/02/17.

f.

i. APPROX 4 WEEKS

ii. APPROX 4 WEEKS

iii. APPROX 8 WEEKS

iv. APPROX 8 WEEKS

g. NONE

h. THE COMPANY WENT ABOUT SELLING ITS PRODUCTS IN THE NORMAL WAY BY EXPLAINING THE BENEFITS & QUALITY OF THE PRODUCTS.

i. } THE APPLICATIONS FOR INSTALLATION WERE SUBMITTED TO A 3rd PARTY.

ii. Yes.



j. NONE

k. NONE

l. NONE

m. YES.

3.

a. LIFE SPAN NOT KNOWN - THIS ALL DEPENDS ON HOW EACH
SND USED RUNS & MAINTAINS BOILER.

b. 99KW BOILERS ARE SET TO RUN AT 99KW

c. NOT KNOWN

4.

a. NO INVOLVEMENT.



b.

i. NOT KNOWN

ii. NOT KNOWN - ROI SCHEME DOES NOT EXIST.

c. COMPANY IS AWARE GB SCHEME EXISTS BUT HAS NO KNOWLEDGE OF HOW IT WORKS.

d. COMPANY DID NOT CONSIDER THIS AT THIS TIME.

e. NOT APPLICABLE AS COMPANY WAS NOT INVOLVED IN GB ~~MARKET~~ MARKET.

5.

a. PLEASE SEE ENCLOSES/ATTACHED.

b. NO COMMUNICATION

c. N/A.



d. NOT APPLICABLE.

6.

a. NOTHING FURTHER THAN ENCLOSED.

b. NONE.

c. NONE

7.

a. NOT KNOWN

b. NOT KNOWN

8. NOTHING FURTHER

Statement of Truth

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

Signed: _____

Dated: _____

29/06/17.

Ryan Turkington

From: Ryan Turkington
Sent: 08 February 2016 16:34
To: 'patsymcglonemla@yahoo.ie'
Subject: Renewable Heat Incentive Scheme

Dear Patsy

I am writing with reference to the recent announcement on plans to cut the RHI scheme here in N Ireland. This has fairly major implications for our company here in Sandholes as we both manufacture and install biomass boilers.

I accept that the Minister, Jonathan Bell, has concerns over the budget for the ongoing running of this scheme but bringing it to an "abrupt" close will have drastic consequences for us and our potential customers.

As an industry we were aware that there were planned changes to the scheme but we were working to a March 31st deadline for new applications and not what could be as close as next week!

We have commitments made to around 15 customers who in turn have made the decision based on the RHI figures. If the cut comes before this date Turco will have to:

1. Cancel orders on suppliers (at a cost penalty)
2. Hand back monies paid by customers who do not want to proceed
3. Review future plans that were based on making these sales up until the 31/03 and lay off up to 5 people (out of a workforce of 20) who would have been involved in looking after these boilers for the duration of the RHI scheme (20 years).

If possible, please could you ask the Permanent Secretary if the industry can have a consultation on this so we can bring the Scheme to a close in an orderly way?

If you require any information from me on this matter, please do not hesitate to contact me at the mobile number below.

Thanks and regards

Ryan

Ryan Turkington
Personal Information
redacted by the RHI Inquiry



Ryan Turkington

From: Ryan Turkington
Sent: 11 February 2016 15:27
To: 'Patsy Mc Glone'
Subject: RE: DETI News Release - BELL ANNOUNCES EXTENSION TO RHI CLOSURE DATE

Yes thanks Joanne. This gives us a better chance of managed exit!

Thanks to you and Patsy for your help here.

Ryan

Ryan Turkington

Mob: Personal information redacted by the RHI Inquiry



From: Patsy Mc Glone [mailto:patsymcglonemla@yahoo.ie]
Sent: 11 February 2016 14:20
To: Ryan Turkington
Subject: FW: DETI News Release - BELL ANNOUNCES EXTENSION TO RHI CLOSURE DATE

Good afternoon Ryan,

See latest update re RHIs below.

Kind regards,

Joanne

Patsy McGlone MLA
54A William Street
Cookstown
BT80 8NB

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Fax: (028) 8676 4611
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Please consider the environment before printing this e-mail

From: Greer, Michael [<mailto:Michael.Greer@niassembly.gov.uk>]

Sent: 11 February 2016 13:46

To: Cochrane-Watson, Adrian; Conor Murphy; McKinney, Fearghal; Givan, Paul; Dunne, Gordon; Humphrey, William; Máirtín Ó Muilleoir; McIlveen, David; Megan Fearon; Murphy, Conor; Patsy McGlone; Agnew, Steven

Cc: McManus, Jim

Subject: DETI News Release - BELL ANNOUNCES EXTENSION TO RHI CLOSURE DATE

DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT

11 February 2016

Bell announces extension to RHI closure date

Enterprise, Trade and Investment Minister, Jonathan Bell has announced that the domestic and non domestic Renewable Heat Incentive (RHI) schemes will remain open until 29 February.

If legislation is approved by the Assembly on Monday, the earliest possible date for closure would have been midnight on Tuesday, 16 February.

Jonathan Bell said: “I have listened carefully to the concerns expressed in relation to both the non domestic and domestic RHI schemes and I fully appreciate that closure presents considerable difficulties for those who have invested in new technology and are in the midst of preparing for application.

“Having taken those concerns on board, rather than close the schemes to new applications on the earliest possible date, I am proposing that, pending Assembly approval, both schemes remain open for a further two weeks until 29 February.”

The Minister added: “My Department will be carrying out a comprehensive review and audit, to ensure that the operation of the schemes is in compliance with the scheme requirements and the underpinning legislation.”

Notes to editors:

For press queries please contact DETI Press Office on [Tel:028 9052 9604](tel:02890529604). Out of office hours please contact the Duty press Officer via pager number 07699 715 440 and your call will be returned.

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