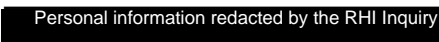




John Crawford

Personal information redacted by the RHI Inquiry



By email to: 

28 December 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, either by way of further statutory notice or by requiring you to attend to give oral evidence.

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.

I also refer you to Restriction Order No 2 made by the Chairman of the RHI Inquiry on 22 June 2017, a copy of which is enclosed for your convenience. This restriction order prohibits you from publishing any documentation received from the RHI Inquiry (save that you may show it to your legal representative) unless you first obtain the consent in writing of the Inquiry Chairman.

In addition to the four restriction orders made by the Chairman of the RHI Inquiry (which you will find published on the Inquiry website) receipt of this correspondence and its enclosures also places you under a duty of confidentiality to the RHI Inquiry in respect of them. You may share the correspondence and the enclosed Notice and documents with your legal representative(s), but neither you nor they may show, communicate the contents of, nor provide this correspondence or the Notice or documents 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 552 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. Please explain 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 dates your boilers were installed;
 - c. The dates you made applications to the Scheme;
 - d. The dates your installations were accredited;
 - e. The dates upon which you received your first RHI payment;
 - f. The company you employed to provide and install your biomass boiler; and
 - g. The company, if any, you engaged to assist with your application to the Scheme.
3. Explain if, when and why you started work in the poultry sector. In particular, explain whether this was related in any way to the availability of subsidies under the RHI Scheme.
4. It appears to the RHI Inquiry from information provided to it that you applied for accreditation of an installation or installations under the Scheme during the period known as the autumn 2015 'spike' (that is to say, between 24 August 2015 and 18 November 2015). As to that (and in respect of each such application), please address the following matters:
 - a. Why did you make an application to the Scheme at that time?

- b. Did anyone encourage you to make an application to the Scheme at that particular time? If so, please identify who did so, when, and what reason was given for the encouragement.
 - c. Were you warned in any respect about the forthcoming introduction of cost controls, or tiered or amended tariffs, into the Scheme? If so, in respect of each such warning, beginning with the earliest, please identify who provided this warning, when, how and (insofar as you can) in what terms.
 - d. Without prejudice to the generality of sub-paragraph c. above, were you in contact with any Minister, Special Adviser or Civil Servant in respect of proposed changes to the Scheme? If so, please provide full details including, in respect of each such contact, who it was with, when it occurred, how it occurred and (insofar as you can) the substance of what was said, discussed or communicated.
 - e. Please explain, in respect of your installation(s) for which application for accreditation to the Scheme was made within the above period, how long it took from ordering the relevant plant to it being installed and commissioned.
 - f. Please explain any steps taken by you to expedite your application to the Scheme, including steps taken in order to ensure that your application was submitted in advance of 18 November 2015.
5. The RHI Inquiry has been made aware of your connection to Andrew Crawford as his cousin. Arising out of this, please provide full details of the following:
- a. All contact you had with Andrew Crawford 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 Andrew Crawford, touching on or relating to the Scheme (including so far as possible the date and time of the provision of such information).
6. Specify whether you were encouraged by Andrew Crawford 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.
7. 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.
8. 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.
9. Specify whether you are aware of Andrew Crawford 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 Andrew Crawford in relation to the RHI Scheme, as far as you can.
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 in relation to any communication about the RHI Scheme.
12. Specify whether Andrew Crawford has, or has previously had, any financial interest, either directly or otherwise, in your economic activity, 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.



INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

RHI REF: Notice 552 of 2017

DATE: 15/1/18

Witness Statement of: John Crawford

I, John Crawford, will say as follows: -

1. I am a farmer who got a contract from Moypark for 2 Broiler Units on 15/4/2014.

2.

a. To enable me to heat the chicken houses. We already had a Biomass Boiler installed under the Domestic RHI scheme at our home since 2013 and we were familiar with and interested in the use of renewable energy schemes.

b. 14/11/2015

c. 16/11/15

d. Boiler 1 Personal information redacted by the RHI Inquiry accredited 16/11/15

Boiler 2 Personal information redacted by the RHI Inquiry accredited 16/11/15

Boiler 3 Personal information redacted by the RHI Inquiry accredited 17/11/15

e. 17/3/16

f. R&S Biomass

g. R&S Biomass

3. With poor returns in the meat industry, we diversified into the poultry sector.

4a. Application followed the time line of events during the construction of the broiler houses. Following award of contract from Moypark in April 2014, we applied for planning in May 2014. There was an initial delay in planning approval due to archaeological investigations. Planning was only approved in December 2014 and only then were we able to commence groundworks on site.

RENEWABLE HEAT
INCENTIVE INQUIRY

- b. No
- c. No
- d. No
- e. Installations were ordered from R&S Biomass following planning approval. R&S Biomass completed the Installation of the boilers which were commissioned 14/11/15
- f. None

5a. None

b. None

6. No contact

7. No

8. I did not have or did not share any information

9. I was not aware of Andrew Crawford sharing information

10. R&S Biomass were paid for their service of completing boiler installation and RHI application.

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

12. None

13. We are unaware until we had completed our first year accounts

14.

Statement of Truth

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

Signed: 

Dated: 15/1/18