[redacted]

The Public Accounts Committee
Room 371, Parliament Buildings,
Ballymiscaw, Stormont,
Belfast, BT4 3XX

Reference: Generating Electricity from Renewable Energy Inquiry

Dear Sir/Madam,

(1) As the generating of electricity from renewables would appear to be an unregulated development of epic proportions, those responsible for setting up the terms and conditions and implementation of this serious flawed scheme/contract need to be held to account.
Were the personal involved in setting up the scheme, qualified, knowledgable or experienced in the complexities of such a specialist field ?.
If there were no qualified personal available for setting up of scheme, why was outside expert/advise/help not sought due to the massive sums of money paid out to operators of scheme and the potential for abuse of the extremely generous payments allocation, particularly as funding for scheme is a compulsory payment levy/subsidiary on utility bills to provide funds for annual ROC payments of £700k to £800k. Income of .07 pence per KW unit paid by utility provider of approx £276,000.00. Total annual revenue £800,000.00 + £276,000.00 = £1,000,000.00 plus. See attached document to Mr Brian O'Neill, N.I Audit Office, sent on the 3rd February 2020.

(2) Due to the incompetence of those involved in setting up of this seriously flawed scheme, operators are free to operate unauthorised, unlawful AD plant, with total disregard to Planning Authorities approval conditions and outside of rules and regulations regarding environment, Health & Safety, and Planning approval conditions and professional engineering standards, see Dr McCloskey's reports/correspondence's attached. As noncompliance issues mean a savings of many hundreds of thousands of pounds to developers/operators of AD plants and has no impact/effect on monies generated, it is easy to understand why developers/operators ignore statuary regulations, and professional engineering standards and simply carry on running an unauthorised, unlawful AD plant and receive approx £1,000,000.00 in annual revenue with enforcement/closure notice in place for AD plant on my farm.
Serious lessons/considerations needs to be implemented when approval of site locations is considered to ensure local adequate feedstock supply to meet generator capacity needs and adequate local land bank available and approved for disposal of waste digestate as an organic fertilizer in full compliance of nitrates directives for protection of environment.

(3) AD plant constructed and operating as a commercial enterprise on my property at [redacted] under Planning Approval Ref. J/2011/0424/F granted 13th August 2012 for "*agriculture plant operation*".
AD plant currently operating under lease agreement between me and Assured Energy LLP (AEL) dated 17/02/2014 as commercial enterprise.

During several research trips to Germany looking into AD technology, I was impressed by the setup and use of AD technology for production of true green energy in the form of electricity and heat. One example was 5 neighbouring farmers collectively producing 2.2 MW near a town providing all green energy requirements of 800KW of electricity and 800KW of heat to large hospital complex/site. Two large industrial oil fired boilers at this hospital complex now stand redundant, kept now for standby use only.

A further 400KW of green heat and green electricity was supplied to large leisure complex, fulfilling all their energy requirements.

A number of other industrial units energy needs of heat and electricity were serviced meaning full utilization of 2.2MW of heat and electricity by 5 local farmers.

All feedstock input sourced from the 5 local farmers land, and waste produced, returned to the 5 farmers lands as organic sterilised pathogen/weed free fertilizer thereby eliminating the need to apply imported artificial fertilizer, meaning huge benefits to the environment.

I observed many other innovative use of green energy produced by AD plants, particularly for growing large quantities of tomatoes and vegetables for local use, drying timber, grain etc. These drying operations were previously using oil/gas, thus reducing the use of imported fossil fuels.

Having observed many examples of good practice of how an AD plant could be the answer to 100% renewable energy, I was convinced AD technology could provide a valuable input to renewable green energy. However, then having spent two plus years to obtain Planning Approval, grid connection and all other associated matters in place for construction of AD plant, this whole dream came apart after the developers I chose, failed to construct AD plant to Planning Approval conditions.

Many plants including one on my farm at 53 Dunnalong Road do not have waste management licence which permits use of waste food as feedstock. Failure to ensure AD plants are licenced to handle waste is a serious omission and needs addressed.

Waste digistate sterilised before returning to land means no pathogen or weed infestation distributed on lands, thereby no need for harmful herbicide sprays used for killing of weeds and killing of bugs necessary for soil improvement and wild life habitat.

AD technology, fully implemented and set up with maximum protection of environment in mind, is the true meaning of 100% fully recyclable green energy.

The comparison between implementation of system I observed in my research visits and the practice carried out here in N.Ireland is disgraceful and needs to be addressed as a matter of urgency, taking in consideration the huge sums of money paid through ROC scheme to operators of AD plants here. Having corresponded with Ofgem, Utility Regulator, and N.I Audit office, I have failed to be provided with satisfactory answers to my questions regarding issue of ROC certification and other concerning matters as to why an unauthorised, unlawful enterprise is eligible for financial support paid for by compulsory levy on consumer utility bills.

My calculations would indicate that quantity of ROC's issued for plant operation at 53 Dunnalong Road is beyond capacity of plant in situ, I have repeatally requested copy of validated export meter readings to compare with ROC certifications issued as in my opinion and visual operation of plant does not reflect performance of ROC's claimed.

To avoid any further doubt it would be necessary to provide validated meter readings and explain how an average 485kw production compares with prolonged periods of gas storage membrane fully deflated.

Further concerns is this 500kw plant has a 40-50kw parasitic loading, meaning in my own opinion it would be impossible to produce 485kw for export to grid as claimed for ROC accreditation.

All these matters are a serious reflection of those responsible for setting up and implementing such a scheme with no safeguard/conditions in place to prevent abuse of environmental matters.

(6) Due to Planning Authorities noncompliance's and plant now classified as unauthorised and unlawful, my long standing insurance provider, Kerr Group has refused to renew my landlord Public Liability Insurance cover. See Kerr Group correspondence attached, dated 8th June 2020, requiring Landlord/consultant to not permit personal on this AD site until Public Liability insurance is in place.
Further, as one of Dr. McCloskey's reports dated 24/01/2018, see correspondence attached, describes this AD plant as high risk plant, producing explosive and flammable gases, this leaves me in an extremely vulnerable position, facing potential financial ruin in the event of damages claim for accident/injury to site personal.
The serious accident record of AD plants producing methane gas is a very concerning matter as illustrated by recent explosion at plant near Bristol where 4 people were killed, one body recovered 160 meters from source of explosion. This serious accident reported in Daily Mail, page 4 on 4th December 2020.

(7) Since this AD plant started operating in October 2016, 450KW of heat is discharged into atmosphere every hour, annual cost approx £750,000.00.
Here in N. Ireland we have the unenviable record as one of Europe's highest offenders of greenhouse gas omissions. This scandalous misuse of valuable heat resource is entirely due to the incompetence of department responsible for setting up scheme. This scandal is all the more disgraceful due to utility users paying for this heat by compulsory levy on consumer utility bills, as no conditions in place to ensure this valuable source of heat is utilised at a cost to utility users of approx £748,980 per annum. See attached correspondence to Mr Brian O'Neill, N.I Audit Office, sent on the 3rd February 2020, showing example of ROC payment issued to site operators Assured Energy LLP.

(8) As a condition of my application for Planning Approval I was in possession of Grant offer from DEFRA of £174k to make use of this heat for growing vegetables, drying grain and woodchip, also heating milking parlour water and heating a number of dwelling houses, thereby vastly reducing import of vegetables from around the world and reduction of fossil fuels imported for heating purposes.
AD plant now operating as commercial enterprise as declared in Assured Energy LLP appeal of PA Enforcement Notice. As this plant is now running as commercial enterprise, operated and controlled by GCP venture capital company with address in Savile Row, London, and no longer ***"agriculture based"***, would the use of rebated fuel (red diesel) be permitted ?. Due to present operating system of importing all feedstock and exporting all waste, large volumes of rebated fuel is used to operate this now commercial enterprise.
Present operator (Assured Energy LLP) did not avail of DEFRA grant offer as cheaper option was

to run plant and discharge heat into atmosphere.

Full details of the following, can be obtained, by downloading Ref. No's from Derry City & Strabane Council Planning Portal :

Paragraph 3, Ref. No. J/2011/0424/F dated 13th August 2012

Paragraph 3, Ref. No. LA11/2017/0053/CA dated 19th May 2017

Paragraph 3, Ref. No. LA11/2017/0053/CA dated 16th August 2019

Paragraph 4, Ref. No. 2019/E0034 dated 30th September 2020

Evidence listed below will be sent by recorded mail:

3rd June 2020, correspondence to NIAO
8th June 2020, Kerr Group correspondence
28th June 2020, Ofgem correspondence
4th December 2020, Jim Wells correspondence

Also Dr McCloskey's evidence/correspondence dated :

7th May 2004
19th October 2015
29th June 2015
13th May 2016
9th June 2017
17th October 2017
18th October 2017
22nd October 2017
24th January 2018
26th March 2018
27th March 2018
25th August 2020
27th November 2020

If further details, information is required, please contact me at above email or call me on [redacted]

Please acknowledge receipt of this evidence/correspondence

Regards,

Raymond Pollock

16th March 2021.

Ref. Thornyhill AD Energy Ltd 53 Dunnalong Road, Bready, BT82 0DW
ROC's Accreditation No. R00067NANI
F.A.O Mr Brian O'Neill, N.I Audit Office, Belfast

The Anaerobic Digester plant operating under lease agreement on my property has the capacity to produce 500kw of electricity and 500kw of heat. Electricity is supplied into grid and benefits from generous Renewable Obligation Certificates (ROC's) scheme operated and controlled by Ofgem. Every KW of electricity exported to the grid qualifies for 19 pence (£0.19) payment which is collected from levy of £200 (Per annum) on EVERY consumer bill. A further 7 pence (£0.07) per kilowatt (KW) is paid by energy companies, meaning a total of 26 pence (£0.26) is paid to AD producer(s) – for every KW produced. 450kw Heat produced is treated as a by-product and released/dumped into the atmosphere thus adding to greenhouse gases, instead of being harnessed as a source of heat. This scandalous waste situation arises from extremely lucrative unconditional subsidy scheme in place, subsidised by (as previously mentioned) a £200 (per annum) levy of consumer bills.

This dumping of heat is a cost as follows:

450kw of heat per hour produced and disposed of as a waste product per kilowatt hour (KWH) @ £0.19 = £85.50 per hour x 24 hours = £2052 per day x 365 days = £748,980 per annum.

The ROC's payment scheme in UK/Europe's is much less generous than payments in Northern Ireland. NI(ROC's) payments is unconditional and paid in full, based on units recorded on export meter.
UK/Europe's less generous ROC payments is made up of various amounts to encourage use of waste products and paid according to waste input used to feed plant.
The use of waste produce requires a waste management licence, and monitoring of various different wastes that are separately costed to establish value of ROC payments.
Because of the unconditional issue of ROC's certification, plant operators in N.I can run plants using only organic material which does not require a waste management licence (WML). While not breaking any rules the non-use of waste and re-cycling of same as organic fertilizer as was the original aim behind ROC subsidy, this abuse makes a nonsense of renewable green energy claim for AD plants.
Having to not recycle waste products is a huge financial benefit for plant operators – but a great cost to the environment, and electricity consumers via a levy of £200 on their utility bills.

Further to our telephone conversation on Wednesday 11th December 2019, can you confirm if system of self declaration meter readings submitted to claim ROC certification certificates are checked/verified.
As I explained to you, visual observation of plant operation, ie plant operating on one engine only, and 2 digester tanks gas holder covers deflated over long extended periods would indicate very poor plant performance.
This apparent poor performance would appear to be in stark contrast to ROC certificates issued for this site.
I attach sample details of ROC's issued for Thorny Hill AD plant which enables plant

operators to receive substantial financial returns as detailed below.
The ROC's issued , and monies claimed by operators would not appear to reflect the visual performance of this plant.
Please see below sample (1) dated May 2017 of our interpretation of ROC subsidiary paid in this month. Can you confirm if this interpretation/payment is correct?

(1) Claim/Payment for conformation/verification

Our understanding of how Ofgem are paying out their Renewable Obligation Certification (ROC) at Thorny Hill AD plant is as follows.
Each ROC is issued per 250kw (Kilowatt) output produced.
Every kw made is paid out at 18 pence. In May 2017 1441 (ROC)'s were issued for Thorny Hill AD plant.
So 1441(ROC)'s x 250kw = 360250 kw @ 18 pence per kw.
So 360250 x 0.18 = £64,845 was paid out in May 2017.
To work out how many kilowatts are made each hour. There are 31 days in May
so 360250 kw / 31 days = 11620 kw per day.
For one hour, 11620kw per day / 24 hours = 484kwh (kilowatt per hour).
The most they say they can make per day is 485kw from two 250kw engines running all the time.
In May 2017 the plant claimed to be producing 484kw every hour for that month.
To achieve this figure, plant would require to be operating at 97%, 24/7 over month of May.
Minus parasitic load (kw load required to power plant) 500kw – 50kw = 450kw
450kw is the maximum capacity of plant. (484kw claimed)
Please advise regarding this May 2017 allocation of ROC's and payment of same, as the ROC's and payment allocated are beyond the plant production capacity meaning possible fraudulent self declaration claim of ROC's.
To establish authenticity of self declaration ROC's claimed, it would be a simple matter of obtaining present total export meter recording from start of production, October 2016 to present, and compare ROC's issued to actual export meter reading.

Raymond Pollock [redacted]

Signed _____ Date 3rd Feb 2020

MONTH/YEAR	No. of ROC's issued	KW Produced Per Hour	Price Per KW	Monies Received
Apr/2020	1382	480	£0.19	£65,645.00
Mar/2020	1434	482	£0.19	£68,115.00
Feb/2020	1314	472	£0.19	£62,415.00
Jan/2020	1413	475	£0.19	£67,117.50
			Total Monies paid out for 2020 to date (4 months)	**£263,292.50**
Dec/2019	1447	486	£0.19	£68,732.50
Nov/2019	1350	469	£0.19	£64,125.00
Oct/2019	1376	462	£0.19	£65,360.00
Sep/2019	1188	412.5	£0.19	£56,430.00
Aug/2019	969	326	£0.19	£46,027.50
Jul/2019	1284	431	£0.19	£60,990.00
Jun/201	1283	445	£0.19	£60,942.50
May/2019	1321	443	£0.19	£62,747.50
Apr/2019	1215	422	£0.19	£57,712.50
Mar/2019	1248	433	£0.19	£59,280.00
Feb/2019	1195	444	£0.19	£56,762.50
Jan/2019	1379	463	£0.19	£65,502.50
			Total Monies paid out for 2019 to date (12 months)	**£724,612.50**
Dec/2018	1384	465	£0.185	£64,010.00
Nov/2018	1364	473	£0.185	£63,085.00
Oct/2018	1415	475	£0.185	£65,443.75
Sep/2018	1349	468	£0.185	£62,391.25
Aug/2018	1321	443	£0.185	£61,096.25
Jul/2018	1246	418	£0.185	£57,625.50
Jun/2018	1320	458	£0.185	£61,050.00
May/2018	1398	470	£0.185	£64,657.50
Apr/2018	1353	470	£0.185	£62,576.25
Mar/2018	1400	470	£0.185	£64,750.00
Feb/2018	1219	453	£0.185	£56,378.75
Jan/2018	1385	465	£0.185	£64,056.25
			Total Monies paid	

			out in 2018 to date (12 months)	**£747,120.50**
Dec/2017	1277	429	£0.167	£53,314.75
Nov/2017	1148	399	£0.167	£47,929.00
Oct/2017	1245	418	£0.167	£51,978.75
Sep/2017	1225	425	£0.167	£51,143.75
Aug/2017	1311	440	£0.167	£54,734.25
Jul/2017	1423	478	£0.167	£59,410.25
Jun/2017	1377	478	£0.167	£57,489.75
May/2017	1441	484	£0.167	£60,161.75
Apr/2017	1256	436	£0.167	£52,438.00
Mar/2017	690	231	£0.167	£28,807.50
Feb/2017	532	198	£0.167	£22,211.00
Jan/2017	947	318	£0.167	£39,537.25
			Total Monies paid out in 2017 (12 months)	**£579,156.00**
Dec/2016	1164	391	£0.142	£41,322.00
Nov/2016	840	292	£0.142	£29,820.00
Oct/2016	659	221	£0.142	£23,394.50
Sep/2016	31	10.76	£0.142	£1,100.50
			Total Monies paid out in 2016 (4 months)	**£95,637.00**

Summary of revenue collected from ROC's issued for AD site at 53 Dunnalong Road.

Year 2020 Jan-Apr (4 months)	£263,292.50
Year 2019 Jan-Dec (12 months)	£724,612.50
Year 2018 Jan-Dec (12 months)	£747,120.50
Year 2017 Jan-Dec (12 months)	£579,156.00
Year 2016 Sep-Dec (4 months)	£95,637.00
Total ROC payments over 44 months	**£2,409,818.50**

Total revenue paid by energy supplier : 13,379,500 kw @ £0.07 = **£936,565.00**
Total income over 44 months **£3,346,383.50**

Sample Calculation for May 2017

1441 ROC's issued
x 250kw per ROC

= 360250kw x ROC value £0.167 = £60,161.75 payment received.

Ref our views as detailed, if clarification on any matter is required, please advise, and we would be happy to explain or concerns regarding our interpretation of revenue income.

Raymond Pollock

[redacted]

Signed _____ Date 27th July 2020.

MULHERN KERRGROUP INSURANCE CLAUDY

Mr Ray Pollock

[redacted]

8th June 2020

Dear Mr Pollock

Notification of Lapse of Renewal Cover

Your renewal date for the following insurance has now arrived and as you know you're insurer Caleb Roberts have not offered renewal due to the ongoing depute over the Non-compliances contained in Enforcement notice Ref LA11/2017/0053/CA and the unauthorised development regarding AD plant.

Insurance in respect of	DNU Farm + Household Combined
Renewal Date:	08/06/20
Insurer:	Caleb Roberts
Reference:	00111241 / 2

After carrying out a Market Exercise we are unable to get you cover for your Farm and House.

We effect from 08/06/2020 all cover ceases and in the circumstances I would also strongly advise NOT to permit personal unto site contained, in your property until you have Public Liability insurance in place

The intention of this letter is to protect your interests.

Yours sincerely

6810/CEM

Cathal McCrory
Mulhern Kerr Group Insurance

97 MAIN STREET CLAUDY BT47 4BH claudy@kerrgroup.co.uk (028) 7133 8121
Offices: Kilrea Claudy Cookstown Magherafelt Randalstown Ballynahinch Markethill Bushmills Portadown

ofgem

Making a positive difference
for energy consumers

Ray Pollock
[redacted]

Email: information.rights@ofgem.gov.uk

Date: 28 July 2020

Dear Ray,

Request reference number: FOI2020/00021

Thank you for your email of 8 June in which you requested the following information:

> "Reference to my correspondence dated 27.2.2020 requesting information regarding payments of ROC's certification and the details of "71 separate accidents and errors regarding ROC claims". I have been advised by the Utility regulator that they do not "hold the relevant information" as requested
>
> Utility regulator (NI) has advised as they do not hold the information to either of these requests (see attached) to forward this request to OFGEM for answers my queries
>
> I request this information in the interest of consumers who have to pay increased costs/"levy" on their electricity bill to pay ROC subsidy
>
> As the meter readings are self-declaration please explain rationale of withholding meter readings from consumers for comparison purposes of ROC's claimed
>
> As I have stated in previous correspondences, visual observation of plant could indicate poor plant performance output compared with ROC payments to producers
>
> For the avoidance of any doubt regarding ROC's claimed and paid for by consumers via OFGEM, please provide meter reading's from start of production of this AD plant from Oct 2016 to present, as this information would eliminate any possible doubts regarding ROC's payments claimed
>
> Please acknowledge receipt of this correspondence by return
>
> I await your reply"

We have considered your request under the Environmental Information Regulations 2004 ("EIR") and have decided to disclose the following information to you:

We have looked at your request in two parts;

Part 1 - "71 separate accidents and errors regarding ROC claims"

This is information which is publically available through our public reports. To access the public reports click on *Renewables and CHP*, and select

- Public reports link which is on the right hand side of the page
- View Certificates

From there you will be able to use the filters to focus in on the information you wish to view. Specifically, you will be able to filter the Generation Type to be "AD" and also the Certificate Status to "revoked" and "reconciliation withheld". This will return any AD ROCs which have been revoked or withheld from future ROC issue.

Part 2 – "please provide meter reading's from start of production of this AD plant from Oct 2016 to present"

Ofgem do not hold complete meter reading data sets for all installations, although we may request it in some instances. Attached are files containing all the half hourly meter readings we hold for AD plant -53 Dunnalong Road, Bready, Strabane, Co Tyrone, BT82 0DF in the format that we hold it.

These are as follows;

- 2016
- 2017
- 2018
- 2019
- 2020

Representations and reconsideration

If you are dissatisfied with the handling of your request, you have the right to make representations. Under regulation 11(2), you must contact us for a review no later than 40 working days after the date of this letter. If you propose to make any such representations, please contact us at information.rights@ofgem.gov.uk or by writing to us at 10 South Colonnade, Canary Wharf, London E14 4PU.

If you are not content with the outcome of the reconsideration, you have the right to apply directly to the Information Commissioner for a decision.

You may contact the Information Commissioner at:

Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

http://www.ico.org.uk/

Please remember to quote the reference number above in any future communications.

Yours sincerely,

Shannon Convery
Information Rights and Correspondence Officer

We have looked at your request in two parts;

Part 1 - "71 separate accidents and errors regarding ROC claims" Information not available

This is information which is publically available through our public reports. To access the public reports click on *Renewables and CHP*, and select

- Public reports link which is on the right hand side of the page
- View Certificates

not accessable as stated I confirm this information is available

From there you will be able to use the filters to focus in on the information you wish to view. Specifically, you will be able to filter the Generation Type to be "AD" and also the Certificate Status to "revoked" and "reconciliation withheld". This will return any AD ROCs which have been revoked or withheld from future ROC issue.

Part 2 – "please provide meter reading's from start of production of this AD plant from Oct 2016 to present"

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Format produced not transparent

These are as follows;

- 2016
- 2017
- 2018
- 2019
- 2020

Does not provide meter readings as requested

Representations and reconsideration

If you are dissatisfied with the handling of your request, you have the right to make representations. Under regulation 11(2), you must contact us for a review no later than 40 working days after the date of this letter. If you propose to make any such representations, please contact us at information.rights@ofgem.gov.uk or by writing to us at 10 South Colonnade, Canary Wharf, London E14 4PU.

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You may contact the Information Commissioner at:

Information Commissioner's Office
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire
SK9 5AF

http://www.ico.org.uk/

Please remember to quote the reference number above in any future communications.

Yours sincerely,

Shannon Convery
Information Rights and Correspondence Officer

mail.com

Utility Regulator AD issues

From: [redacted]
To:
Cc:
Date: Dec 4, 2020 1:16:58 PM

Raymond Pollock

[redacted]

4th December 2020

Jim,

Despite many attempts to obtain confirmation of self declaration export meter readings of electricity produced at AD plant on my property, this matter has never been resolved.

I attach copy of correspondence dated 28th June 2020 received from Ofgem with my hand written comments, attached as a PDF to this email.

These instructions are "***gobbledygook***" and do not reveal the answers to my questions.

Could you please request Ofgem to explain their reluctance/refusal to answer questions refereed to by Ofgem as Part 1 and Part 2 in their correspondence. Clear unequivocal answers to both parts 1 and 2 would establish beyond doubt any question of integrity/reliability of ROC allocation payments.

Previous reasons for refusal/disclosure of this information, is claimed to be "***commercially sensitive***" is not acceptable as the source of ROC funding is a levy on all utility bills

from the general public.

In the meantime I would appreciate an update from your perspective, regarding outstanding answers to my

questions.

Just received copy of Utility Regulator correspondence sent to you dated 2nd December 2020, confirming that it is not necessary to comply with statutory regulations to obtain funds raised by levy on utility bills. It seems incredible, that funds can be collected on utility bills to pay for electricity produced from AD plant which is classified as unauthorised and unlawful and unable to obtain Landlord Public Liability cover due to unauthorised, unlawful classification.

Again I would point out production of methane gas has a history of causing death and serious injury

and I once again refer to Dr. McCloskey's statement that this is a high risk site producing explosive and flammable gases.

This situation would beg the question, is it necessary to comply with the law at all ?, or is there one law for large corporate bulling "vulture" funders based in tax havens and the small vulnerable enterprises like for example, farmers who if they do not comply with statutory regulations and conditions/rules are easy targets and would lose their single farm payments which contribute to a very essential portion of farmers income.

As farmers do not have the funds to argue complicated planning approval legal ramifications, they have no alternative but to comply with lawful legislation, meeting the substantial finical costs involved, or lose their support payments. The treatment of farmers and small business enterprise's compared to treatment of large corporate venture capitalists funders would need examined/addressed to insure fairness to all.

Please note: all correspondences to [redacted]

Regards,

Raymond and Glenn Pollock

Attachments

[redacted]

M.A. McCLOSKEY LTD.
CONSULTING ENGINEER

46 GORTNAGROSS ROAD,
DUNGIVEN,
CO. DERRY,
BT47 4QP.

TEL: (028) 77740482
FAX: (028) 77743833
E: enquiries@mamccloskeyltd.com
W: www.mamccloskeyltd.com

Mr Raymond & Mrs Martha Pollock

[redacted]

27th November 2020

Re: Letter received from Cleaver Fulton Rankin dated 23rd November 2020.

Dear Sir,

I write to you further to receipt of copy letter from Assured Energy solicitors dated 23rd November 2020. In this letter it is stated categorically that '***The floor is able to take the tractor loadings.***' I have repeatedly informed you in writing that this is most definitely ***not*** the case – see last letter dated 26th March 2018 (enclosed). I find it concerning that a supposedly respectable law firm would write such a letter. As an experienced Chartered Engineer, I would certainly not make statements in writing about matters of law that I did not have a clue about, so I would expect that the same would apply here with a solicitor regarding matters of Engineering. I personally designed the tanks, the in-situ beam supports etc. and reviewed the slab and slat design from the supplier in 2006.

I can once again **categorically state** that the suspended flooring system in this shed in not close to being able to support the loads that we have witnessed it being subjected to. This **will undoubtedly** result in **irreversible damage** to your property. This can easily be proven by calculation and demonstrated in court. I am fully confident that this will not, and cannot, be contested by any other Engineer. I would suggest that you ask Cleaver Fulton Rankin for their calculations proving that the design capabilities of what is on site have not been exceeded. I am now going to seek my own legal advice as regards the letter referred to herein. It is not acceptable that a law firm can make such obviously false and misleading statements. We would also suggest that HSENI have a case to answer here as they have taken no action, nor cannot have carried out their own independent design checks to prove

adequacy, despite warnings from an industry professional. It would appear that they too do not recognise my opinion, experience or qualifications. I am of the opinion that this may well change in due course.

We trust this is to your satisfaction,

Yours Faithfully

Dr M A McCloskey PhD BEng(Hons) CEng MIEI MICE EurIng

Chartered Engineer

M.A. McCLOSKEY LTD.
CONSULTING ENGINEER

46 GORTNAGROSS ROAD,
DUNGIVEN,
CO. DERRY,
BT47 4QP.

TEL: (028) 77740482
FAX: (028) 77743833
E: enquiries@mamccloskeyltd.com
W: www.mamccloskeyltd.com

Mr Raymond & Mrs Martha Pollock

[redacted]

25th August 2020

Re: Silage clamps/storage at Dunnalong Road, Bready.

Dear Sir,

We write to you further to our review of photographs supplied by you in relation to the overloading of your silage clamps. These 4 silage clamps were designed by M A McCloskey Ltd. but to date we have been unable to certify same, due to incorrect construction detail by Eugene Duffy Construction Ltd. We have visited site on numerous occasions since summer 2015 and met with Philip Turner on 12 May 2016 to outline our concerns with the construction and the fact that the clamps are in use without the required NIEA certification. Our concerns have been put in writing on 29//6/15, 19/10/15 and 13/5/16 and as of yet the issues have not been resolved. Now it appears that the operators are ignoring the HSE advice on silos as well as overloading the silos. The overloading shown is not only dangerous, but will cause lasting damage to your silos. See below extract from www.hseni.gov.uk:

Silos must never be overfilled as this greatly increases the chance of a tractor or loading shovel overturning when filling or rolling a silo.

On open silos, with earth embankments, the sides and ends of the silage should be sloped off at a safe angle (less than 45 degrees). On other silos where machines and their drivers can drop 600mm (2 feet) or more, strong front end barriers and guard rails are required.

Silos with walls should never be filled above the top of the wall. If overfilled the guard rail will no longer be effective and will increase the risk of a machine overturning.

Excessive filling will overload walls and increase the risk to the operators of machinery.

The photographs provided are extremely concerning, and we would advise you to contact HSE and report the unsafe practices observed and photographed. In our opinion there is a ***high likelihood*** of an overturn, with the associated risk of injury or death. We would instruct you as landlord of the property to have this practice ceased immediately.

We trust this is to your satisfaction,

Yours Faithfully

Dr M A M'Closkey PhD BEng(Hons) CEng MIEI MICE EurIng

Chartered Engineer

RE: Complaint 53 Dunnalong Road Bready

Enquiries

[redacted]

Dear Sir,

We write to you in response to your letter of todays date. We had been asked by the landlord to provide comment on the operations ongoing at the above and have now done so on several occasions.

We have seen photographic and video evidence and also witnessed the overloading of the slats and slabs for ourselves as outlined in previous correspondence – some of which I understand you have received. We also know that you have visited site and inspected the ongoing operation. The tank and its covering were designed in accordance with the relevant British Standards at the time, namely BS 5502, BS 8110 and BS 8007. It is clear from the questions asked that you are not familiar with these Codes and the process of design of these agricultural buildings. The design loading for the slats is for 'heavy dairy cattle' as per Table 5 of BS 5502, Part 22 and the design loadings for the passageway and external slab are as per Table 6 of the same standard for tractors and vehicles not exceeding 4000kgs, towing trailers or equipment not exceeding 6500kgs gross mass.

We have stated above the design parameters used as per the relevant British Standards therefore you have no requirement to view our calculations and design drawings. There is no requirement to design for progressive collapse in agricultural buildings, so we do not know why you are asking this question.

As stated in my letter dated 26th March, we have very serious concerns as to the degree of overloading taking place on this site, which has now been pointed out on several occasions in writing, over several months. We know that you have been made aware of these in writing and also when on site. Please note that, due to your lack of action, we will hold yourselves fully responsible for any injury or damage occurring as a result of the hazards pointed out and that this e-mail along with previous correspondence will be relied upon in any future action.

Regards,

Ambrose McCloskey

Dr. Ambrose McCloskey, PhD, BEng (Hons), CEng, EurIng, MIEI, MICE.
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[redacted]

26th March 2018

Re: Use of existing cattle shed/underground tank for digestate storage at Dunnalong Road, Bready.

Dear Sir,

We write to you further to our previous letter dated 17th October 2017 regarding the vehicles traversing the suspended slab/slats over the tank at the above. We can confirm that we were the designers of the original underground tank, slats and slabs in 2006. As stated previously, this covering was designed for cattle loading only. We have evidenced vehicles in the form of 4500 gallon tankers (35000kgs loaded) pulled by 255hp tractors (7800kgs) (almost 43tonne combinations) driving over this covering. We would inform you in the strongest possible terms that this significantly exceeds the design loading (by over 400%) and ***will*** lead to irreversible damage to the covering and a ***high likelihood*** of a collapse of slats/slabs over, with the associated risk of injury or death. We would instruct you as landlord of the property to have this practice ceased immediately.

We trust this is to your satisfaction,

Yours Faithfully
Dr M A McCloskey PhD BEng(Hons) CEng MIEI MICE Euring
Chartered Engineer

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[redacted]

24th January 2018

Re: Assured Energy LLP and C R Pollock & M E Pollock

Dear Sir/Madam,

We write to you in your position as custodians and landlord of the lands at 53 Dunnalong Road, Bready. You have asked us to review numerous documents and correspondences regarding the current status of the Anaerobic Digester (AD) plant recently constructed and currently being operated at the above address. We have summarised below our professional opinion on various matters as evidenced from the correspondence and during our numerous site visits. These are outlined below in no particular order.

1. **The lack of any form of security fence** - this is a high risk site producing explosive and flammable gases and there is vulnerability to sabotage or accident which could result in contamination of the land surrounding plant. The AD plant is in in close proximity to the River Foyle waterway system. Planning Approval J2011/0424/F specifies a 1.8m high chainlink security fence/wall surrounding the site – this has not been provided. At present anyone can access the site and could open a manual gas valve or digestate valve with ease with potentially disastrous consequences.

2. **The lack of bunding** - Loughs Agency stipulate the requirement for a secondary containment wall constructed to professionally engineered structural details – this is Condition 6 of Planning Approval Ref: J/2011/0424/F and has not been provided. In the event of accidental or malicious discharge of digestate tanks with no secondary containment

provided, digestate will discharge directly into the River Foyle waterway system. (See appended AD incident reports from other sites).

3. **Impact protection for Digester Tanks** - Impact protection wall was to be designed and constructed to structural engineers' details around the digester tanks as per Planning approved drawings. To date, this has not been provided. An 'Armco' type barrier has been recently installed on site over part of the length specified, but in our opinion this is incomplete and inadequate to protect the tanks form vehicular impact in any case. Due to the substantial movement of tractors with loaded trailers and articulated lorries delivering feedstock to plant, the constant delivery of silage & slurry and removal of digestate off site on a regular basis, there is the potential of impact to digester tanks as the tanks are in close proximity to this traffic movement. Without proper protection, as shown on the approved drawings, there is the potential for a serious pollution incident. We note that, as per the letter from Helen Lewis, Waste Management NIEA to Ms Michaela Boyle MLA dated 17/01/2018, there is no Waste Management License in place for the import/transport of slurry to this site. This letter states that an agreement is in place with the operator to only input non waste feed stock such as grass silage etc. We would point out Appendix J, which lists the details of vehicular movement in and out of the site on 03/01/2018, shows numerous instances of tanker movements. Tankers cannot transport silage, so we assume that these tankers are transporting slurry/digestate (both waste) to/from the site. That being the case, the 'agreement' is not being honoured, the operator is breaking the law with regards to Waste Management and is also in breach of the conditions of Planning Approval J/2011/0424/F.

4. **Health & Safety** – There is continuous mixing and removal of waste digestate from the existing storage tank under the slatted shed accommodation. We understand that Assured Energy provided 6 internal precast mixing points and arranged the fitting of same to your tank. As previously pointed out in writing, this practice as illegal and dangerous to plant operation personnel. Indeed Mr Philip Turner (Technical Engineering advisor to Assured Energy LLP) sent emails on 12.1.2017 and 1.2.17 referring to the unsuitability of this tank for storage of digestate and these e-mails advise not to continue using this tank. Mr Turner then authorised the fitting of the 6 no. mixing points as a temporary measure pending the provision of a 30m above ground storage tank with regulation compliant mixing facilities. This new tank was never provided, hence the necessity to still mix and remove digestate from the tank below slatted shed in contravention of planning conditions specified in Planning Approval J/2011/0424/F, and therefore resulting in a number

of Health and Safety issues, as referred to in my previous correspondences dated 17/10/2017 and 22/10/2017.

5. **Damage** - We would also have serious concerns as to the damage being done to your slats and passage slabs as a result of being continually overloaded – the passage slab is being used to store feed for the AD plant. Movement of this feed is leading to the passage slab being loaded with vehicles and/or plant which are in excess of the design loading for this passageway. The design loading for this passageway is for a 6 tonne tractor, whereas the JCB loading shovel alone that is being used is in the region of 15 tonne.

6. **Lack of adequate digestate storage** - the main digestate storage tank is permanently running at full capacity because the storage capacity is inadequate (22 weeks is the statutory storage requirement). We refer to our letter of 22.10.2017 which illustrates a significant deficiency in storage capacity requirements. This means constant mixing and transport from site of large quantities of waste digestate. Transport and disposal of this waste digestate means that verification of a properly licenced disposal destination would be necessary, particularly during 22 weeks closed period. We discuss this at point 3 above. During our site visit it was observed that the AD plant operators had filled an old, previously decommissioned block built storage tank with digestate. We would ask for NIEA comment on this.

7. **Pre-pit slurry storage and Bailey Tanks** – the dirty/contaminated water catchment system has all been constructed without planning approval. This construction breaches the 10m statutory distance requirement from drainage which enters directly into River Foyle waterway system. Further detailed examination to establish drainage pipe system would be necessary to establish compliance with regulations. This system should be installed in line with the requirements of BS 8007.

8. **Letter dated 15/01/2108 from Mr Kerry Anderson of NIEA** – This letter is a letter apparently reiterating the view of NIEA that the livestock manure and silage storage facilities at 53 Dunnalong Road, Bready met the requirements of the Nitrates Action Programme Regulations (NI) 2014. It goes on to state that BS 8007 Certification is not a legislative requirement under these Regulations. That is factually incorrect. The letter cites BS 5502-22:2003 and BS 5502-50:1993, and we would draw your attention to BS 5502-50:1993 **7.2.3 Concrete**. 'Concrete *structures in contact with slurry should be designed in accordance with the recommendations given in BS 8007*'. The guidance booklet 'Nitrates

Action Programme 2011-2014 and Phosphorous Regulations (updated November 2012), issued by Department of Agriculture and Rural Development in conjunction with NIEA, states that 'all new slurry or silage storage facilities…must comply with the British Standards specified in The Control of Pollution (SSAFO) Regulations(NI)(2203)'. BS 8007 is, as described above one of the standards that these facilities must comply with. We would ask for NIEA comments on this, and the possible repercussions of failure to meet the requirements of the Nitrates Action Programme Regulations (NI) 2014.

General discussion.

It would seem that the construction and operation of this AD plant has clearly fallen 'between two stools' in that there appears to be no overseeing body to ensure compliance with relevant legislation. If this were a typical industrial type site undergoing development of this nature and scale, there would be numerous statutory bodies to satisfy. We recall carrying out a relatively small extension to an industrial premises recently which involved a paint store. In that case Building Control, the Health and Safety Executive, the Fire Authority, NIEA etc. were involved to ensure access was restricted, fumes were controlled, adequate bunding was in place, adequate fire precautions were carried out etc. In this case we have a large gas production and storage facility that also stores very significant quantities of pollutant that anyone can walk right into and vandalise/open valves etc. This is built on a hill some 240m from the River Foyle with no bunding to contain spillage in the event of an incident, yet the authorities seem unwilling to take any action. Please see attached Appendix A, which is a copy of DAERA advice for planning officers and applicants seeking planning permission for anaerobic digestion which may impact on natural heritage.

We have recently been involved in the design of a remarkably similar facility in the UK and in that case the design and construction was tightly policed by the relevant authorities. The installation was designed to comply with the strict guidelines of CIRIA document 164 'Design of containment systems for the control of pollution from industrial incidents', and was fully bunded in accordance with the 110% rule, at significant cost. We would question why in this case it would seem that the facility has been built and is operating without any form of regulation, despite bunding being a planning condition. We would also question, given the current state of the facility, why it has received and is continuing to receive significant government funding via OFGEM under the Northern Ireland Renewables Obligation.

We note that there has been correspondence between Mr John McCartney (Director of Conservation & Protection) of the Loughs Agency, and the Area Planning Manager of Derry City & Strabane District Council. The Loughs Agency have expressed their concern

that planning conditions inserted on their behalf have not been met. The reply from Council states that the issues are being dealt with, but as of now we have no update on this. The River Foyle and Tributaries has been designated as a Special Area of Conservation, and a pollution incident could have terrible consequences for the Atlantic Salmon. The species is subject to many pressures in Europe, including pollution, the introduction of non-native salmon stocks, physical barriers to migration, exploitation from netting and angling, physical degradation of spawning and nursery habitat, and increased marine mortality. The otter is also at risk if a pollution incident occurred, and we believe that otters have been observed along this stretch of shore line. It may be prudent to contact Derry City and Strabane District Council as under the Wildlife and Natural Environment Act (NI) 2011, Council as a public body has a duty to, 'further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.' Council *implements its biodiversity duty by 'Providing advice on biodiversity and landscape impacts, mitigation, enhancement, conservation of species and habitats within the district for the Council, consultants, developers, businesses and the public , by development and implementation of the Local Biodiversity Action Plan*, and on their website state that '*Biodiversity is a core component of sustainable development, it is vital in our response to climate change and in the delivery of key ecosystem services, for example, food, flood management, pollination, the provision of clean air and water.*'

We would suggest that you, as owner of the lands, have every right to be concerned as ultimately you are the landlord of the property and risk exposure should an incident happen during the lease term. In addition, the facility that you would be handed over at the end of the lease term has not been built in compliance with the relevant legislation and hence is a significant liability and in the case of your existing buildings, going to be damaged beyond repair.

What is also of note and significant in this case is that the planning permission was granted, based on the feed for the AD plant being from the surrounding farm and the digestate being stored on site and used on the surrounding lands as a recycled organic nutrient soil conditioner. The significant subsidies being claimed are based on the production of 'green' energy under the RHI scheme and hence the low carbon footprint as outlined above. Given that the feedstock for the AD plant is being hauled to site from significant distances and the digestate is also being transported off site, we fail to see how this is actually 'green' energy. The level of HGV traffic on this minor road is also well in excess of what was envisaged when planning permission was granted. We are aware of a similar plant in the UK which has had its Planning permission removed in similar circumstances and the company involved have been ordered to dismantle the parts of its operation developed unlawfully. Please see attached Appendix B (Crouchland Farm) and Appendix C (PORE and

Farmers Weekly). Purely from a taxpayer's point of view, I will have to voice my concerns at higher political level as to how this plant is still operating and claiming Government funding via OFGEM for doing so. News is apparently emerging today that the AD plant at 133 Baranailt Road Claudy Limavady BT49 9LT, operated by Assured Energy LLP, has been refused a Waste Management License by the Northern Ireland Environment Agency (NIEA), preventing it from operating any longer. The Public Health Agency (PHA) have confirmed to the Northern Constitution it has written to Causeway Coast and Glens Council planning department expressing safety concerns around the plant.(See Appendix I)

Please see attached various appendices relating to examples of incidences/accidents involving anaerobic digesters (Appendix D: 2013 Harper Adams) (Appendix E: 2014 Harper Adams) (Appendix F: Natural Resources Wales), articles detailing expert opinions (Appendix G: Taken from The Guardian Newspaper) and photographs of this particular AD (Appendix H), illustrating the various shortcomings as detailed in this letter.

We trust this is to your satisfaction,

Yours Faithfully
Dr M A McCloskey PhD BEng(Hons) CEng MIEI MICE EurIng
Chartered Engineer

Appendices: **Appendix A**
Appendix B
Appendix C
Appendix D
Appendix E
Appendix F
Appendix G
Appendix H
Appendix I
Appendix J

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[redacted]

22 October 2017

Re: Required digestate storage at Dunnalong Road, Bready.

Dear Sir,

We write to you further to your query regarding the storage facilities at the above. This has been requested due to the fact that all of the rainwater runoff from the yard and the majority of roof water is now being collected on site and used in the dilution of the digestate. We have carried out a very quick calculation (attached) to establish the required storage of 22 weeks for an agricultural anaerobic digester. It would seem that this results in a very significant shortfall in storage facilities. It would appear that the storage provided is in the region of 25% of what would be required.

We trust this clarifies your request,

Yours Faithfully

Dr M A McCloskey PhD BEng(Hons) CEng MIEI MICE EurIng
Chartered Engineer

M.A. McCLOSKEY LTD.
CONSULTING ENGINEER

CONTRACT R. Pollock [redacted]

JOB No. 13/131.

DATE 22/10/17

SUB SECTION Required storage for yard etc

OPERATIVE AMc

SHEET No. 1

RAINFALL VOLUME (ANNUALLY)

Approx area of yard/hardstanding/roofs etc.

≈ 160m x 97.6m (AVE)

= 1366 m^2

Average annual rainfall ≈ 1.6m

∴ Total volume = 21,862 m^3.

+10,000 TONNE SLURRY = 10,000 m^3

+15,000 TONNE SILAGE = 19,500 m^3

∴ ANNUALLY (TOTAL) = 51,362 m^3

∴ weekly = $\frac{51,362}{52}$ = 987 m^3

STORAGE FOR 22 WEEKS = 22 x 987 = 21,730 m^3

U/GROUND TANK STORAGE =

28m x 2.7 x 60 = 4536 m^3

$\frac{4536}{21730}$ $\frac{(\text{AVAILABLE})}{(\text{REQ'D})}$ ≈ 21%.

∴ THERE IS A SHORTFALL OF ≈ 75-80% potentially.

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18th October 2017

Re: Writ between Assured Energy LLP and C R Pollock & M E Pollock

Dear Sir/Madam,

We write to you in having viewed a copy of the writ issued on 13/06/2017 by Assured Energy LLP to yourselves. We would draw your attention to a number of errors, which we believe need to be pointed out to those issuing the writ:

a) At paragraph 10 of the writ, Dr McCloskey (director of M A McCloskey Ltd), is referred to as Mr Ambrose McCloskey, the Defendants servant and agent. That is incorrect. M A McCloskey Ltd. were engaged by the Defendant, and Dr McCloskey was, and is, the representative of M A McCloskey Ltd. engaged on this project.

b) Also at paragraph 10, it is alleged that M A McCloskey Ltd. provided the final design for a pre-pit. That is incorrect. We are currently unaware of any pre-pit and hence were never engaged to have any design or certification role in its construction. M A McCloskey Ltd. only provided the design for 4 silage clamps, but to date have been unable to certify same, due to incorrect construction detail by Eugene Duffy Construction Ltd. We have visited site on numerous occasions since summer 2015 and met with a Mr Philip Turner on 12 May 2016 to outline our concerns with the construction and the fact that the clamps are in use without the required NIEA certification. Our concerns have been put in writing on 29/6/15, 19/10/15 and 13/5/16 and as of yet the issues have not been resolved,

We trust this is to your satisfaction,

Yours Faithfully

Dr M A McCloskey PhD BEng(Hons) CEng MIEI MICE EurIng

Chartered Engineer

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[redacted]
BT82 ODW

17 October 2017

Re: Use of existing cattle shed/underground tank for digestate storage at Dunnalong Road, Bready.

Dear Sir,

We write to you further to your request that we clarify the various issues as previously mentioned with the use of your existing shed and underground tank for digestate storage. We can confirm that we designed the original underground tank and shed over in 2006. This had a slatted/cubicle/passage covering, with the slats and their support beams designed for cattle loading only. This tank had an aerating system installed to avoid any internal mixing points. Internal mixing points in covered agricultural slurry tanks constructed after 2003 are in contravention of the Health and Safety regulations.

We understand that due to the consistency of the digestate you had been requested to enter the shed and carry out mixing operations, with six number mixing manholes having been recently positioned within the shed. We had strongly advised that this should not take place due to the serious issue of slurry gas (widely publicised as causing several deaths in recent years) and the obvious Health and Safety concerns. In addition, traversing the slats with large tractors etc. would exceed their design loading and lead to damage or even collapse of slats.

We trust this clarifies the advice given at the time,

Yours Faithfully

Dr M A McCloskey PhD BEng(Hons) CEng MIEI MICE EurIng
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[redacted]

9th June 2017

Re: Site inspection of new digester tanks at Dunnalong Road, Bready.

Dear Sir,

Further to our recent consultation and our various site visits, with regard to your request for a quotation to issue BS 8007 certification for digester storage tanks. We regret to inform you that we are unable provide a quotation to do so for the following reasons:

1. Due to design and construction of digester tanks (currently on site) we could not issue BS 8007 certification as required under SAFFO regulations.
2. We have concerns regarding the backfill to the south side of tanks which could cause uneven pressure on the tanks, particularly when empty, compromising safety factors.
3. No bunding of works or impact protection of tanks has been provided as required on your planning approval Ref: 2011/0424/F dated 12.8.2012.
4. There is a lack of any creditable evidence of professional supervision during the tank construction. As we were not involved during construction of digestate storage tanks, we could not justify a retrospective BS 8007 certification,

We trust this is to your satisfaction,

Yours Faithfully

Dr M A M'Closkey PhD BEng(Hons) CEng MIEI MICE Euring
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[redacted]

13th May 2016

Re: Remedial works to new silos at Dunnalong Road, Bready for Thorny Hill AD Energy Ltd..

Dear Sir,

We write to you further to our site meeting with Philip Turner on Thursday 12th May to the above. We have been asked to provide proposed works to ensure no further leakage occurs between silos or from the silos. We have enclosed our suggested works. Please note these will have to be phased over a period of 1-2 years as currently Silos 1 & 2 are full of grass silage (Silos 3 and 4 are currently empty.- silos are referred to as 1,2,3 & 4, with 1 being that closest to Dunnalong Road).

1. Ensure proprietary rubber 'flupp' plugs are inserted in all tie holes below the 2.4m mark in all external and internal walls. Fill last 25mm of holes with a propriety 'tie seal' compound.
2. All floor and wall joint sealing has been ineffective – no evidence of surfaces being primed. Double cut all joints to a width of 20mm and depth of 50mm and break out concrete. Thoroughly clean joint and prime with propriety primer and seal with a suitable flexible mastic sealant by Sika or other equal and approved.
3. There is a water bar continuity issue at the two intermediate joint positions in each of the three dividing walls (six number in total) as shown in Photo

1 and sketch layout 13-131-SK10. You have exposed the waterbar at location 1. A short section of waterbar should be welded in place from the horizontal waterbar to the rear guard waterbar along the floor joint. The floor/wall should then be patched in with C35, 10mm concrete with a seal being provided around the patch perimeter using hydrophilic strip and additional Sika sealant.

4. Each patched area should be cleaned and primed and surface sealed 500mm beyond the patch area with a propriety acid resistant sealant.

We have contacted Sika and requested a site meeting with a technical representative to ensure correct material selection and expert advice regarding the sealant/waterbar location here– we are awaiting a response.

As leakage could quickly contaminate watercourses which outfall into the river Foyle adjacent, we would recommend that remedial works are carried out as soon as possible. Please note, it will be impossible to reseal floor joints in the filled silos at this time. We trust this is to your satisfaction,

Yours Faithfully

Dr M A M'Closkey PhD BEng(Hons) CEng MIEI MICE EurIng
Chartered Engineer

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Mr Raymond Pollock

[redacted]

29 June 2015

Re: Site inspection of new silos at Dunnalong Road, Bready for Thorny Hill AD Energy Ltd..

Dear Sir,

We write to you further to our site visit on Thursday 25th June to the above. We had visited site following your e-mail reporting leakage of silage effluent between silos. This is a brief summary of our findings.

Silos are referred to as 1,2,3 & 4, with 1 being that closest to Dunnalong Road. There is currently grass ensiled (recently) in Silo 2 and effluent is running presently. There are a number of the lower level tie holes that have not been plugged correctly and are leaking into the adjacent silos, i.e. Silos 1 and 3 (See Photos 1 & 2). This requires to be remedied and should be a relatively simple fix. This also indicates that effluent has reached this tie hole level inside Silo 2 and this should be avoided in future when ensiling by placing a land drainage pipe around the three silo walls prior to filling with grass. Our concern here would be that there are similar tie holes through the end wall of the silo and these could also be leaking. We would recommend that this external wall be exposed and checked for leaks and plugged adequately as required. This would need to be carried out as a matter of urgency. All remaining tie holes should be plugged correctly in the remaining walls prior to use.

In addition to the tie hole leaks there are leaks at the movement joints in the silos as a result of the effluent head and a lack of effective primary seal at movement joints and lack of seal between silos (Photo 3 & 4) i.e. it would appear that the rear guard water bar is doing its job in preventing a leak to the ground, but it is allowing travel across the joint between silos. The primary sealant applied at the surface of these joints has been ineffective in preventing the effluent from reaching the water bar. These joints need to be exposed and checked for leaks. It would seem that the bottom, rear guard water bar is not continuous with the wall water bar at these movement joint locations, allowing effluent to travel along the joints. What also needs to be established as a matter of urgency is if the movement joints are leaking at the ends of the structure i.e. where the rear guard water bar meets the outer walls. We do not believe that there are any leaks at the wall/floor junction generally, except at the movement joint positions.

As leakage could quickly contaminate watercourses which outfall into the river Foyle adjacent, we would recommend that investigations and remedial works are specified and carried out as soon as possible. Please note, it will be impossible to reseal floor joints in the filled silo at this time. We are happy to discuss the most effective way forward with your contractor once these investigations have been carried out. We trust this is to your satisfaction,

Yours Faithfully

Dr M A M'Closkey PhD BEng(Hons) CEng MIEI MICE Euring
Chartered Engineer

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Mr Raymond Pollock

[redacted]

19th October 2015

Re: Leakage problem with new silos at Dunnalong Road, Bready for Thorny Hill AD Energy Ltd..

Dear Sir,

It is evident that a recent attempt to seal silage effluent leaking between pits was unsuccessful, and an alternative approach is required to resolve this problem. The cause of the problem, in my opinion, is that a portion of vertical water bar was omitted at the joint between the floor rear guard and vertical dividing walls.

The purpose of providing the dividing walls was to ensure the safety of filling pits, the segregation of different feedstock and, most importantly, the control of effluent and rain water into the separate disposal system provided on site to avoid contamination. It also helps to eliminate the unnecessary expense of handling large quantities of 'dirty water' and disposal of same during periods when fields are fully saturated with water, meaning immediate run off to drains which discharge into the adjacent water ways. The pumping system on site to transfer liquids from pits does not appear to be coping with the volume of water presently being collected during periods of heavy and prolonged rainfall meaning pre-pit overflows which will result in contamination of storm drains.

Examination of the drainage pipe around the exterior of pits revealed no drainage stone backfill has been provided. In addition, we were unable to determine

the disposal route of this pit exterior drainage pipe as no exit monitoring point diverter chamber was provided. We are also still concerned that leaking is occurring through holes in walls due to inadequate sealing.

An opportunity now exists to remedy the leaks between Pits 3&4. However we are aware that arrangements are being made to store sugar beet which would mean action to remedy this problem should be carried out as a matter of urgency .

We trust this is to your satisfaction,

Yours Faithfully

Dr M A M^{c}Closkey PhD BEng(Hons) CEng MIEI MICE EurIng
Chartered Engineer

M.A. McCLOSKEY
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Delivered to D. Alexander 11/5/04

Mr Raymond Pollock

[redacted]

Our ref: 04/084

7 May 2004

Re: Condition/structural survey of existing farm buildings at 53 Dunnalong Road for Mr Raymond Pollock.

Dear Sir,

We write to you further to our site visit on 6 May 2004 to inspect farm buildings numbered 3 and 4 on your farm block plan. Following our visual survey we can comment as follows.

Both buildings are constructed using masonry side panels, clad and roofed with corrugated sheeting on metal trusses supported on stanchions built into the walls. Both buildings contain in-situ three legged cubicles with two slatted passageways over masonry built underground tanks.

The slats are particularly uneven and showing signs of distress, with varying gaps and reinforcement corrosion. These have reached the end of their useful service life. One of the two underground masonry built tanks (constructed in the 1950's) is leaking and due to their age and material used in their construction, they are now beyond repair.

The structure of the buildings themselves do not meet the current regulations and to bring these up to BS 5502 would be impractical.

To summarise, we could not devise remedial measures to bring the existing structures to the standard required by current legislation. The most economic and practical solution would therefore be replacement. If you have any queries please do not hesitate to contact the undersigned. We hope this is to your satisfaction.

Yours Faithfully

Dr M A M^{c}Closkey PhD BEng(Hons) CEng EurIng MIEI

Chartered Engineer

Due to Assured Energy LLP's failure to construct AD plant in compliance with Planning Authorities approval conditions, Planning Authorities issued two contravention notices, the first Reference LA11/2017/0053/CA dated 19th May 2017, requesting that breeches of Planning Authorities conditions be remedied without delay.
As AEL failed to remedy Planning Authorities noncompliance's, an Enforcement Notice Reference LA11/2017/0053/CA dated 16th August 2019 was served ordering complete removal of unauthorised, unlawful AD plant and restoring site to former agriculture use.
AEL appealed Enforcement Notice. Appeal hearing Ref. No 2019/E0034 was held on 5th February 2020 and ruling, upholding Planning Authorities Enforcement Notice decision delivered on 30th September 2020.

(4) The aim/intention of AD plant was to recycle waste product for producing renewable electricity and heat is a complete failure due to the incompetence of those responsible for setting up and administrating scheme. Serious questions needs to be answered by those involved.
Presently, AD site at 53 Dunnalong road, is using only organic matter, grown and transported vast distances by large fleet of tractors and trailers to feed plant.
Waste produced from plant is then transported again, in most removal operations, to distant destination for disposal, apparently without evidence of disposal in compliance with statutory nitrates directives and environmental regulations.

(5) Inadequate on site digistate storage capacity means constant removal of digestate by large twin steering tankers, drawn by 200/250 HP tractors. The carbon footprint caused by waste digistate disposal and the massive movement/import of all feedstock is an environmental disaster due to no conditions/restrictions in place to prevent operators abuse, and lack of concern/respect for environmental matters and be extremely well reimbursed for adding to massive carbon footprint paid for by levy on utility users bills.
Current unapproved digistate storage on this site is rated at 20-25% of required capacity. See Dr. McCloskey's report dated 22nd October 2017 attached.
Present digestate mixing/storage/processing equipment contravenes statement contained in Planning (Enviroment Impact Assessment) Regulations (N.Ireland) 2017 (The EIA Regulations) attached to Enforcement No. Ref. LA11/2017/0053/CA dated 16th August 2019, served for removal of this plant and refers to specifically designed digestate storage tank with air tight cover. Proper digestate mixing/storage/processing equipment, would enable removal of waste digestate back onto land as organic pathogen free fertilizer at the two option times, of spring and mid summer, to aid grass growth, and using umbilical disposal, spreading system, meaning at least 90% reduction of heavy duty tractors/tankers using unsuitable small rural road network system and causing congestion on many miles of trunk roads.
Importing all feedstock as fuel for AD plant is also a major issue regarding carbon footprint. This is permissible due to no conditions in place to prevent import of feedstock from distant sources. AD plant on my property has no waste management licence in place to permit use of waste product due to noncompliance site issues.
Had due diligence/consideration been applied to location of AD plant regarding availably of feedstock and disposal of waste without using road network, this would enable a true 100% recyclable energy and heat production.