

# OPUS2

Grenfell Tower Inquiry

Day 111

March 23, 2021

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Tuesday, 23 March 2021

1  
2 (10.00 am)  
3 MR JOHN ALBON (continued)  
4 SIR MARTIN MOORE–BICK: Good morning, everyone. Welcome to  
5 today's hearing.  
6 As always, I'm joined today by my fellow panel  
7 members, Ms Thouria Istephan and Mr Ali Akbor.  
8 MS ISTEPHAN: Good morning.  
9 MR AKBOR: Good morning.  
10 SIR MARTIN MOORE–BICK: Today we're going to continue  
11 hearing evidence from Mr John Albon of BBA. So my next  
12 task is to check that Mr Albon is not only there, but  
13 that he can see me and hear me clearly.  
14 Good morning, Mr Albon. Can you?  
15 THE WITNESS: Good morning. Yes, I can.  
16 SIR MARTIN MOORE–BICK: Good, thank you very much indeed.  
17 I think we ought just to run through the usual  
18 housekeeping questions before we get back to your  
19 evidence.  
20 So I'm going to ask you, please, to confirm that  
21 you're alone in the room from which you're giving  
22 evidence?  
23 THE WITNESS: Yes, I am.  
24 SIR MARTIN MOORE–BICK: Thank you.  
25 Can you confirm that you have no documents or other

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1 materials with you?  
2 THE WITNESS: No, I don't.  
3 SIR MARTIN MOORE–BICK: And can you confirm that your mobile  
4 phone is in another room and that you don't have any  
5 other electronic device in the room with you which is  
6 capable of receiving messages?  
7 THE WITNESS: No, I don't.  
8 SIR MARTIN MOORE–BICK: Good, thank you very much.  
9 Well, you're an old hand at this. The procedure  
10 will be as it was on the previous occasions you have  
11 given evidence. If you're still giving evidence during  
12 the middle of the morning, we'll probably have a break  
13 at that point, depending on exactly what point we've  
14 reached.  
15 Is there anything you would like to raise with me or  
16 ask me before we start?  
17 THE WITNESS: No, thank you.  
18 SIR MARTIN MOORE–BICK: Good, thank you very much.  
19 In that case, I'll invite Ms Grange to continue  
20 putting questions to you.  
21 Yes, Ms Grange, when you're ready.  
22 Questions from COUNSEL TO THE INQUIRY (continued)  
23 MS GRANGE: Yes, good morning, Mr Albon.  
24 If we can start, I want to go back to the email  
25 exchanges you were having with Mr Brian Martin about

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1 amended issue 1 of the BBA certificate for the K15  
2 Kingspan product. If we can go back to {BBA00000178/2},  
3 page 2 of that email chain.  
4 So looking at your email at the bottom of that page,  
5 16 July 2014 at 12.14, I'd asked you about the first two  
6 main paragraphs, and I now want to look at what you say  
7 in the second half of that email.  
8 You say, picking it up with "The BBA operates":  
9 "The BBA operates a system of 'Leader' Certificates,  
10 in which we invite comments from a range of industry  
11 experts on the initial draft of each Certificate type,  
12 and for example where changes are made to Building  
13 Regulations. For many years we received such comments  
14 from DCLG's predecessors, but unfortunately we were  
15 advised some time ago that you were no longer able to  
16 offer this service. I believe that it would [be] of  
17 benefit to both our organisations, as well as the  
18 industry as a whole, if you were able to reconsider this  
19 decision.  
20 "I have spoken to the BBA's Chief Executive,  
21 Mrs Claire Curtis— Thomas concerning your enquiry and we  
22 would be very willing to meet you at your offices to  
23 discuss the relationship between the DCLG and BBA and  
24 how we can work more closely together. Would you please  
25 let me know whether you would be interested in such

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1 a conversation."  
2 Now, can you just tell me a little bit more about  
3 what you had discussed with the BBA's chief executive,  
4 Ms Claire Curtis—Thomas, about Mr Martin's enquiry? You  
5 refer to that at the bottom of this email.  
6 A. I think I had made Mrs Curtis—Thomas aware of this  
7 approach from DCLG, and discussed with her the basis of  
8 the BBA's response, in particular whether we could  
9 recreate this relationship whereby they were to comment  
10 on our certificates .  
11 Q. I see.  
12 Did you consider at this time that the BBA was in  
13 need of guidance from the DCLG on aspects of the  
14 Building Regulations or the BBA's certification process?  
15 A. Well, we are able to seek guidance on individual  
16 circumstances where, in our view, the situation is  
17 unclear and we continue to do so. This was more  
18 a procedural situation whereby, if we could gain comment  
19 on the content of certificates from those responsible  
20 for the approved documents, clearly that would be  
21 an improvement to the process.  
22 Q. Yes, and you were specifically wanting comment on each  
23 leader certificate from DCLG; is that correct?  
24 A. Yes.  
25 Q. And you're saying that for many years you received such

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1 comments, but unfortunately you were advised some time  
 2 ago that DCLG was no longer able to offer this service.  
 3 In your view, had the accuracy of BBA certificates  
 4 worsened with regard to the Building Regulations after  
 5 the loss of that DCLG commenting process?  
 6 A. I don't believe the accuracy had worsened, but we would  
 7 have a greater confidence in the content of certificates  
 8 if those responsible for the Building Regulations had  
 9 reviewed them.  
 10 Q. Yes, I see.  
 11 Now, if we go up to the next email at the top of  
 12 page 2 {BBA00000178/2}, we can see that this request  
 13 that you made from DCLG was declined. Mr Brian Martin  
 14 responds to you the next day, 17 July, and we can see,  
 15 just focusing for a moment on the final paragraph of his  
 16 email, he says:  
 17 "I note your comment about the relationship with  
 18 DCLG and BBA. I think things have significantly changed  
 19 over the years and my understanding is that your status  
 20 is similar to any other certification scheme. I very  
 21 much doubt we could support all the various schemes in  
 22 the way you suggest."  
 23 Now, what was your reaction to that response?  
 24 A. It was consistent, I think, with the conversations we  
 25 would have had previously. The BBA at one time had

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1 a closer relationship with Government than its current  
 2 organisational status allows, and DCLG felt, I believe,  
 3 that they had to treat the BBA impartially with other  
 4 certification schemes that exist.  
 5 Q. Yes, I understand that, but what was your reaction? Was  
 6 BBA disappointed at this point that DCLG felt unable to  
 7 discuss this with them?  
 8 A. Disappointed, perhaps not surprised. I think we did  
 9 make a subsequent second offer that again was declined  
 10 by DCLG.  
 11 Q. Right. Can you help us, when did you make that second  
 12 offer, and was that also to Mr Martin?  
 13 A. I think it was part of this correspondence, so it would  
 14 have been within a few days.  
 15 Q. I see. And that was also to Mr Martin, was it,  
 16 Mr Brian Martin?  
 17 A. Yes, it was, I think.  
 18 Q. Did you have any further discussions with  
 19 Ms Curtis—Thomas about this refusal?  
 20 A. I'm sure I would have made her aware, yes.  
 21 Q. Right.  
 22 We can see, looking at the first part of Mr Martin's  
 23 email, that he asks the following. He says:  
 24 "For completeness, I wonder if you could confirm  
 25 a couple of things for me.

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1 " ■ What has BBA put in place since the original  
 2 certificate was issued to make you so confident this  
 3 won't happen again? (a summary would be fine).  
 4 " ■ Will you be notifying the  
 5 manufacturer/certificate holder of the issue?"  
 6 Then if we go up to page 1 {BBA00000178/1}, we can  
 7 see your response, sent a few days later on 23 July, and  
 8 we can see you say in that first paragraph:  
 9 "The mistake was basically caused by human error.  
 10 The Project Manager involved and their line manager no  
 11 longer work in the BBA's operations department."  
 12 Now, just pausing there, and just to be clear, what  
 13 had led you to give this further explanation that the  
 14 mistake was caused by human error?  
 15 A. I think I made that statement as an introduction to the  
 16 subsequent paragraphs which explained the steps that we  
 17 had taken. Unless Mr Martin understood the reason for  
 18 the error, there would be no context as to whether or  
 19 not these corrective actions were appropriate.  
 20 Q. Yes, I understand you might have put that in as part of  
 21 the context for the ways in which you have addressed the  
 22 issue in the following part of the email, but I want to  
 23 understand: why were you stating at this point that it  
 24 was caused by human error? What had led you to that  
 25 conclusion?

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1 A. Well, as we discussed, the statement was open to  
 2 misinterpretation, and that was as a result of it being  
 3 poorly phrased. That I would describe as a human error.  
 4 Q. I see. So you had concluded, had you, that the person  
 5 drafting this certificate had made an error when they  
 6 were drafting it; yes?  
 7 A. Yes.  
 8 Q. And we note at this stage, and I don't think at all,  
 9 you'd never mentioned the diagram 34 exception point  
 10 that you mention in several places in your Inquiry  
 11 statement. That's correct, isn't it?  
 12 A. Yes.  
 13 Q. And why not?  
 14 A. Well, the diagram 34 is the only scenario in which that  
 15 statement could have been accurate, but it does not  
 16 change the fact that the statement itself is capable of  
 17 misinterpretation. So in this context, I felt it was  
 18 irrelevant.  
 19 Q. Right, yes, thank you.  
 20 Now, just focusing on that second sentence, you say:  
 21 "The Project Manager involved and their line manager  
 22 no longer work in the BBA's operations department."  
 23 And you have told us in your witness statement —  
 24 this is third statement, page 50 {BBA00010751/50},  
 25 paragraph 198 — that the two individuals were

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1 George Lee and Chris Hunt.  
 2 Now, were you meaning to suggest in this email that  
 3 those two individuals had been moved to other parts of  
 4 the business, or had left, as in Mr Lee's case, as  
 5 a direct result of this issue?  
 6 A. No, not at all.  
 7 Q. No.  
 8 A. Mr Lee left for his own reasons, and Mr Hunt had made  
 9 a career move to a different part of the organisation.  
 10 It was entirely unconnected with this issue.  
 11 Q. Yes, quite, so that would not have been correct, would  
 12 it?  
 13 A. In what way would it not have been correct?  
 14 Q. Well, it wouldn't have been correct to suggest that they  
 15 had left as a direct result of this mistake and this  
 16 issue; yes?  
 17 A. No, it wouldn't, but I don't believe I'm saying that.  
 18 Q. I see. I'm just seeking clarification of what you are  
 19 saying.  
 20 You continue on in your email, in the second  
 21 paragraph, you say:  
 22 "We are addressing the overall issue in three ways:  
 23 "We have introduced a new training programme for all  
 24 staff, focussing on both technical and procedural  
 25 matters.

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1 "An additional level of checking has been introduced  
 2 via a new management structure.  
 3 "We have placed more emphasis on Certificate  
 4 templates, which are commented on by internal and  
 5 external experts prior to finalising (as referenced in  
 6 my earlier mail).  
 7 "There would have been a dialogue with the  
 8 Certificate holder as part of the Reissue process and  
 9 I would expect that this would have been pointed out.  
 10 The Certificate holder would not claim that the material  
 11 is of limited combustibility and this has never been  
 12 stated in the Certificate, which did correctly gave only  
 13 a Class 0 rating. I think that the chances of anyone  
 14 inferring limited combustibility to be extremely  
 15 unlikely from the Certificate wording, and, while the  
 16 error is of course of concern, I am pleased that we  
 17 recognised and corrected it."  
 18 So just looking first at that very last sentence,  
 19 where you say, "I am pleased that we recognised and  
 20 corrected it", why do you say that in this email, "I am  
 21 pleased that we recognised and corrected it"?  
 22 A. It's simply the fact that the certificate in question  
 23 was no longer current and had been replaced by the 2015  
 24 version. Sorry, the second issue.  
 25 Q. Yes, but you have told us in your statement and you have

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1 confirmed yesterday that the changes to that certificate  
 2 were entirely unconnected with this issue and were to do  
 3 with more substantive structural changes to the  
 4 information contained in BBA certificates.  
 5 A. Perhaps that is slightly over—analysing what I'm  
 6 attempting to say here. The point I was trying to make  
 7 is that we had replaced that wording with the then  
 8 current certificate.  
 9 Q. Now, just to be clear, you're representing to Mr Martin  
 10 by these words, are you not, that you had already  
 11 recognised this matter as an error prior to receipt of  
 12 this email and that the certificate had been revised in  
 13 December 2013 in order to correct that error? That's  
 14 what you're saying here in this email, isn't it?  
 15 A. That's not the intention. The intention is that the  
 16 wording has been removed from the then current  
 17 certificate.  
 18 Q. I see. Well, that's the point I'm putting to you, that  
 19 representing that the error had already been corrected  
 20 prior to receipt of Mr Martin's email and that the  
 21 certificate had been revised in order to correct it was  
 22 not true, was it?  
 23 A. I can see how you would form that impression from the  
 24 words that I chose, but that was not the intention at  
 25 the time. I was purely trying to say that: yes, this

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1 certificate was capable of misinterpretation, but the  
 2 current version does not include that wording and  
 3 therefore that possibility no longer exists.  
 4 Q. Yes, but you don't say to him, "You should be aware  
 5 that, due to reasons unconnected with this error, the  
 6 certificate has already been changed". You don't say  
 7 that, do you?  
 8 A. No.  
 9 Q. No. And you had only been alerted to this problem  
 10 because of Mr Martin's email in July 2014; that's right,  
 11 isn't it?  
 12 A. Yes.  
 13 Q. And you appear to be suggesting in this email — is this  
 14 right? — that the new training programme, the  
 15 additional level of checking and the emphasis on  
 16 certificate templates had all been introduced at some  
 17 earlier stage in response to or as a result of this  
 18 error; do you agree that's how it reads?  
 19 A. No, I don't. I read it that these measures were put in  
 20 place to minimise the possibilities of human errors  
 21 occurring, rather than in response to this specific  
 22 issue.  
 23 Q. Well, the question you were answering was Mr Martin's  
 24 question: "What has the BBA put in place since the  
 25 original certificate was issued to make you so confident

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1 this won't happen again?"  
 2 So I'd suggest to you that it does read in that way,  
 3 that you're suggesting that these measures have been put  
 4 in place in response to the error that you're saying or  
 5 representing in this email you had already recognised.  
 6 A. No, I don't agree. I say, "We are addressing the  
 7 overall issue", not this specific issue, and I think by  
 8 the overall issue, I meant the possibility of human  
 9 errors occurring in the wording in a general sense.  
 10 Q. Now, in terms of Mr Martin's question about whether or  
 11 not the manufacturer had been alerted to the error,  
 12 isn't this right: you could not in truth answer that  
 13 part of his question because you hadn't known until you  
 14 heard from the DCLG a few days before this that there  
 15 was anything to alert the manufacturer to?  
 16 A. Yes.  
 17 Q. Was Kingspan ever told about the problem with that  
 18 certificate, that re-issue of the first certificate?  
 19 Was Kingspan ever told that at any stage?  
 20 A. No, we did not feel that was necessary.  
 21 Q. Why not?  
 22 A. Because we did not feel it was technically significant.  
 23 We felt the possibility of someone inferring a limited  
 24 combustibility classification was very low, given that  
 25 nowhere in the certificate did it state that it was of

1 limited combustibility.  
 2 Q. So Mr Martin has drawn to your attention what he  
 3 considers to be a serious error in a BBA certificate,  
 4 and he's asking the question, "Has the manufacturer been  
 5 contacted about this?", and you're saying they were  
 6 never told about this; is that right?  
 7 A. We made two offers to discuss this with Mr Martin,  
 8 partly because we did not understand the basis for his  
 9 concern.  
 10 Q. Wasn't it important for Kingspan to be told that a human  
 11 error had occurred with this certificate, that you had  
 12 recognised it was an error, that it had subsequently  
 13 already been corrected, but in any event wasn't it  
 14 important that Kingspan were aware of that and knew that  
 15 you considered that to be an error at this time?  
 16 A. It was one clause that had the potential to be  
 17 misinterpreted. We did not feel, and I still do not  
 18 feel, it was significant technically.  
 19 Q. Did you speak to Mr Hunt, who was still employed by the  
 20 BBA at this time, about any aspect of this matter?  
 21 A. I don't recall if I discussed it with him at the time.  
 22 There is nothing on file I can see to suggest that  
 23 I did, but I may have done.  
 24 Q. His evidence was that you mentioned this matter to him,  
 25 but he thought that that was after you had replied to

1 Mr Martin. Is that right?  
 2 A. I don't know. It's possible.  
 3 Q. Let's just look at Mr Hunt's evidence, if we can go to  
 4 the transcript, {Day109/63:4}.  
 5 So Mr Hunt is being asked about this email chain and  
 6 he is asked:  
 7 "Question: Have you seen that email previously?  
 8 "Answer: Yes, I think I've seen the chain of  
 9 emails.  
 10 "Question: When?  
 11 "Answer: It was -- I think it was shown me at the  
 12 time when John Albon was -- when he replied to it.  
 13 "Question: So do you mean in person, you and he had  
 14 a discussion, or are you talking about emails?  
 15 "Answer: Oh, I think in person, I think he told me  
 16 that he'd had it and that he'd replied to it, and  
 17 I think he showed me the reply. I don't think he  
 18 emailed it to me, I think it was just a hard copy.  
 19 "Question: I see. So just so that I'm clear, the  
 20 first that you became aware of this intervention from  
 21 DCLG was through a face-to-face discussion with  
 22 John Albon, by which time he had already replied to  
 23 Brian Martin; is that correct?  
 24 "Answer: I think so, yes. I can't be absolutely  
 25 sure of the precise sequence, but it was at this time of

1 the reply. Whether he showed it to me before he sent it  
 2 or after, I can't remember."  
 3 So his evidence was not entirely clear, but does  
 4 that help you? He thinks that you had a discussion with  
 5 him, but it was likely to be after you had already sent  
 6 your responses to Mr Martin.  
 7 A. I still don't know, I'm afraid. Jon Denyer carried out  
 8 the investigation. It may be that he spoke to  
 9 Jon Denyer. It may well be that he and I did speak  
 10 about it afterwards, but I really don't remember.  
 11 Q. So just to be clear, you didn't speak to Mr Hunt, who  
 12 was the head of approvals at the time that this  
 13 certificate was issued, his name was on the certificate,  
 14 you didn't think to discuss the issue with him before  
 15 you went back to Mr Martin?  
 16 A. As I said, I may have done, but I don't remember.  
 17 Equally, Jon Denyer may have spoken to him as part of  
 18 his investigation. I don't know.  
 19 Q. I see.  
 20 Going back to your email to Mr Martin, if we could  
 21 bring that back up, so {BBA00000178/1}, you say in that  
 22 penultimate paragraph -- it's the second line from the  
 23 bottom -- that you think it would be extremely unlikely  
 24 that anyone would have inferred limited combustibility  
 25 from the reference to 12.7. How did you reach that

1 conclusion?  
 2 A. From the fact that nowhere in the certificate is there  
 3 any reference to that material achieving a limited  
 4 combustibility classification .  
 5 Q. So was that just your own thoughts on the matter or did  
 6 you speak to any of your BBA colleagues about this  
 7 before reaching that conclusion?  
 8 A. I would have spoken to Jon Denyer about it.  
 9 Q. I see.  
 10 Did being contacted by the DCLG in this way make you  
 11 question the BBA's practices and procedures around fire  
 12 performance certification and whether improvements  
 13 needed to be made?  
 14 A. Yes, of course. There had been a significant number of  
 15 changes made to our processes and procedures since that  
 16 error was made, as I've described in this email to  
 17 Mr Martin. It was an ongoing process, a process of  
 18 continual improvement, and we're always looking for ways  
 19 to improve the way that we work.  
 20 Q. I see. So did you think that there were further changes  
 21 that ought to be made after you had received Mr Martin's  
 22 email in order to improve the way the BBA was certifying  
 23 fire performance on its certificates ?  
 24 A. It's not specific to fire performance, it's all aspects  
 25 of our certification process, and yes, since this time,

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1 we have made further improvements to the way that we  
 2 work, and we will seek to continue to do so moving  
 3 forwards.  
 4 Q. Was this recognised within the BBA as an important  
 5 moment when you came to be aware of a serious safety  
 6 issue arising from the fire performance wording in one  
 7 of the BBA certificates?  
 8 A. Again, I don't agree this was a serious safety issue.  
 9 I think we had addressed the issue that was raised. We  
 10 had explained to DCLG the measures that we had taken.  
 11 We had made two offers of a meeting to further discuss  
 12 the issue and perhaps understand the context of his  
 13 initial enquiry. The fact that we received no further  
 14 correspondence from Mr Martin and the fact that he  
 15 declined to have these meetings suggested to me that he  
 16 was satisfied with our response.  
 17 Q. You said there, "Again, I don't agree this was a serious  
 18 safety issue". Do you genuinely not consider that there  
 19 was any risk in stating that K15 could be used in  
 20 accordance with 12.7 of ADB? Is that genuinely your  
 21 view, that there was no risk in the BBA having stated  
 22 that, in terms of safety?  
 23 A. I think there was no risk of a suitably qualified and  
 24 experienced building professional inferring from one  
 25 number inserted in the certificate , one clause number,

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1 that that product was of limited combustibility .  
 2 I think the certificate would have been read in its  
 3 entirety and a suitably competent individual would  
 4 understand that, unless the BBA certificates states that  
 5 a material is of limited combustibility, they should not  
 6 infer that from a single sentence.  
 7 Q. I see.  
 8 Can I just look, finally on this subject, at  
 9 something you say in your third witness statement, if we  
 10 can go to that, top of page 49 {BBA00010751/49},  
 11 paragraph 191. I want to pick this up about seven lines  
 12 down. There is a sentence right in the middle of the  
 13 page beginning, "If the BBA considered". So you say:  
 14 "If the BBA considered that a product was a material  
 15 of limited combustibility, the Certificate would clearly  
 16 state this."  
 17 That's what you have just said.  
 18 "The BBA Certificate did not state that the product  
 19 was of limited combustibility, therefore a reader with  
 20 the necessary level of knowledge and experience would  
 21 know that it could not satisfy clause 12.7 for  
 22 a rainscreen construction above 18m (unless the specific  
 23 construction met the requirements of BR 135). The error  
 24 lay in not making this point specifically within the  
 25 Certificate, leaving it open to some interpretation. To

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1 be clear, I believe that the Certificate wording was  
 2 technically correct and that a suitably competent reader  
 3 would have no difficulty in understanding the meaning;  
 4 this might not however be the case for a casual  
 5 examination (which is not the intended readership)."  
 6 Now, I just want to ask you about whether that  
 7 remains your evidence.  
 8 Do you still believe that the certificate wording  
 9 was technically correct, as you have said there in your  
 10 witness statement, or are you now accepting that in fact  
 11 that was an error that was misleading?  
 12 A. I think it was an error, I think it was capable of  
 13 misinterpretation, and in one specific scenario the  
 14 statement made was true.  
 15 Q. So I want to know: are you maintaining that part of your  
 16 witness statement where you say, "I believe that the  
 17 Certificate was technically correct and that a suitably  
 18 competent reader would have no difficulty in  
 19 understanding the meaning"? Does that remain your  
 20 evidence?  
 21 A. Yes.  
 22 Q. I want to move on now briefly to look at issue 2 of the  
 23 BBA certificate, which was published on  
 24 17 December 2013, just five months after amended issue 1  
 25 had been published in July 2013.

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1 Now, going back to your third witness statement --  
 2 actually, we don't need to go to it. I think I can  
 3 summarise. What you tell us on page 33 {BBA00010751/33}  
 4 and paragraph 124 is you're asked who was responsible  
 5 for checking the wording of section 8, that's the fire  
 6 section, of that second issue of the certificate, and  
 7 you tell us that it was initially checked by the team  
 8 manager, Ms Ramkorun, work was first supervised by the  
 9 then head of approvals, Sean Moriarty, but you tell us  
 10 Mr Moriarty left the BBA prior to the issue of the  
 11 certificate and that you replaced him in that role, so  
 12 the final wording was approved by you. Is that correct?  
 13 A. Yes.  
 14 Q. We can see that from page 1 of the certificate, if we  
 15 can bring this one up, it's at {BBA00000036}. We can  
 16 see there that your name appears in the pale blue box at  
 17 the beginning of this page as head of approvals, and  
 18 that's your signature; yes?  
 19 A. Yes.  
 20 Q. Do you accept that, in approving the final wording, you  
 21 were ultimately responsible for the checks on and the  
 22 sign-off of all technical assertions made within this  
 23 certificate?  
 24 A. Yes.  
 25 Q. We'll come back to it in a moment, but if we just note

1 that under "Behaviour in relation to fire", all it says  
 2 there is:  
 3 "The product will not contribute to the development  
 4 stages of a fire or present a smoke or toxic hazard ..."  
 5 Yes?  
 6 A. Yes.  
 7 Q. So that sentence, which both you and Mr Hunt couldn't  
 8 explain to us, stayed in this second issue of the  
 9 certificate; yes?  
 10 A. Yes.  
 11 Q. If we go now to the bottom of page 5 {BBA00000036/5},  
 12 the fire section is now section 8. We can see it starts  
 13 right at the bottom of that page, and we can see that  
 14 this says at 8.1:  
 15 "The product is classified as Class 0 or 'low risk',  
 16 as defined in the documents supporting the national  
 17 Building Regulations."  
 18 Now, can you help us, since the first version of  
 19 this certificate was published in 2008, had the BBA ever  
 20 actually sought test data from tests to BS 476-6 and 7  
 21 from Kingspan supporting that statement?  
 22 A. This was a re-issue for specific additions to the  
 23 certificate, it was not a repeat of the original  
 24 technical assessment. So, no, we would not seek  
 25 information that should already have been on the

1 technical file.  
 2 Q. But just to be clear, that information was not on the  
 3 technical file, was it? There was no BS 476-6 or 7  
 4 data?  
 5 A. No, it wasn't.  
 6 Q. Now, we're nine years on from the request to Kingspan  
 7 that we saw in 2004 for reaction to fire and surface  
 8 spread of flame data. We looked at that letter from  
 9 2 December 2004 from Mr Simon Lloyd.  
 10 Didn't it occur to you at this later stage to  
 11 request some up-to-date data from Kingspan supporting  
 12 that statement?  
 13 A. No. As I said, the re-issue was to add specific  
 14 sections to the certificate or specific changes to the  
 15 certificate. It would not involve a re-assessment of  
 16 the data on which the original certificate was issued.  
 17 Q. Can you help us, then, in December 2013, when you came  
 18 to approve the content of this certificate, what did you  
 19 think the basis was for that classification as class 0?  
 20 A. The normal situation would have been for the BS 476-6  
 21 and 7 reports to be on file.  
 22 Q. Yes, I understand that's the normal situation, but  
 23 that's not an answer to my question.  
 24 Can you help us, when you came to approve the  
 25 content of this certificate, what did you think the

1 basis was for that classification of class 0?  
 2 A. I would have had no reason to consider that as part of  
 3 the re-issue of this certificate which, as I say, were  
 4 for specific amendments as defined in the contract  
 5 documents. It is not a re-assessment or a re-evaluation  
 6 of the original certification.  
 7 Q. I see.  
 8 Can you help us, then, what was the exercise that  
 9 you carried out? Your name appears on the certificate,  
 10 you've signed it off, you're responsible for the  
 11 technical content of it. So can you talk us through  
 12 what exercise you actually did when you reviewed this  
 13 certificate?  
 14 A. I would check that all of the contractual requirements  
 15 had been met for this specific re-issue, and check that  
 16 wording. I would of course re-read the whole  
 17 certificate before signing it, and I made an error in  
 18 not recognising an inappropriate clause on the front  
 19 page, which I regret. I would not go back and check  
 20 that the statements made relating to the original  
 21 assessments were justified.  
 22 Q. I see. So when you say, "I would check that all of the  
 23 contractual requirements had been met for this specific  
 24 re-issue", what does that mean? Was it a contractual  
 25 requirement for Kingspan to provide test data supporting

1 each of its claims in the certificate ?  
 2 A. No, we would need to examine the contract documents.  
 3 They would be for specific amendments to be made to the  
 4 existing certificate . I don't remember, I'm afraid,  
 5 what those specific requirements were. It was not  
 6 a re-evaluation of the whole certificate .  
 7 Q. I see. So you check some contract documents to  
 8 ascertain , what, whether the amendments are covered by  
 9 those contract documents?  
 10 A. I would check that the contractual requirements have  
 11 been met, that the changes we made in the contract had  
 12 been made, the wording was correct, and that the  
 13 statements we made -- the new statements we made were  
 14 justified .  
 15 Q. And how would you check that the wording was correct and  
 16 that the statements you had made had been justified if  
 17 all you're doing is reading the certificate itself  
 18 without checking any of the underlying test data or any  
 19 of the underlying information on the file ?  
 20 A. I'm sorry, that's not what I said. I would check the  
 21 underlying information on the file for the new parts of  
 22 the certificate . I would not go back and redo the  
 23 original assessment.  
 24 Q. I see. So you confine your review to only checking  
 25 those bits that have changed, and anything that was in

1 there originally , you don't, for yourself, ascertain  
 2 that there is in fact evidence supporting those  
 3 statements?  
 4 A. I would re-read the whole certificate and make changes  
 5 as appropriate given the current BBA wording for a given  
 6 product type. Clearly I would read the whole  
 7 certificate , I'm taking responsibility for it. I would  
 8 not go back, for example, and check that we had BS 476  
 9 reports on the file from 2008.  
 10 Q. I see. So does it follow that when you read that  
 11 class 0 statement, you would have just read it, noted  
 12 it , moved on, but not carried out any form of checking  
 13 in relation to that statement?  
 14 A. That checking would have been carried out by others as  
 15 part of the original assessment of the product. I had  
 16 no reason to suppose that would not have been carried  
 17 out.  
 18 Q. I see.  
 19 If we go further down the certificate , we can see,  
 20 if we go to page 6 {BBA00000036/6}, section 8.2, the  
 21 certificate says:  
 22 "When tested to BS 8414-1:2002, the following  
 23 specific cladding construction met the criteria as  
 24 stated in BRE Report BR 135:2013."  
 25 Then the construction is set out below that.

1 Now, just pausing there, were you aware at the time  
 2 you approved this certificate that this BS 8414 test was  
 3 undertaken in 2005 and was therefore now eight years  
 4 old?  
 5 A. I don't recall , but probably.  
 6 Q. If we can just look briefly at something you say in your  
 7 third witness statement about this, if we go to page 42,  
 8 paragraph 164, that's {BBA00010751/42}. You say this:  
 9 "The BBA does have a policy of not normally  
 10 accepting test reports for new assessments that are more  
 11 than five years old, which is consistent with the above.  
 12 However, in this case, the BBA has had the production  
 13 under surveillance and can be assured that there have  
 14 been no changes to the formulation or specification of  
 15 the product. In these circumstances, as the product is  
 16 unchanged, it is reasonable to assume that the  
 17 performance in respect to fire testing will also be  
 18 unaltered."  
 19 Now, can we take it from that, therefore, that  
 20 in fact the BBA's policy is to accept test reports which  
 21 are more than five years old unless the manufacturer has  
 22 alerted the BBA to changes to the formulation or  
 23 specification of the product?  
 24 A. No, I don't think so. If it is a new assessment for  
 25 a product we are not operating a process of

1 surveillance , we would not accept a report that is more  
 2 than five years old. Once we have accepted a report,  
 3 certified the product, and then have the production  
 4 under surveillance , we continue to accept that data as  
 5 being representative of the performance of the product  
 6 on the understanding that the formulation and  
 7 specifications are, from that point onwards, unchanged.  
 8 Q. Yes, I follow. I think that is a longer version of what  
 9 I put to you.  
 10 Is it your understanding that Kingspan at no stage  
 11 alerted the BBA to any such changes in relation to the  
 12 formulation of the product?  
 13 A. There may well have been changes during the surveillance  
 14 of the product. I'd have to look at the data on the  
 15 file . But that's all I can say, I'm afraid. There are  
 16 always minor changes made during the course of  
 17 production.  
 18 Q. Yes. Would it be normal in your experience for no  
 19 changes at all to the formulation or specification of  
 20 an insulation product to take place over the course of  
 21 a decade?  
 22 A. No, that would not be normal.  
 23 Q. Did you actually check at the time whether there had  
 24 been any changes to the formulation or specification of  
 25 this particular product?



1 A. No, if any changes are made, they are addressed at the  
 2 six—monthly surveillance audits that we carry out.  
 3 A technical assessment is made of any changes that may  
 4 have been made and any additional technical work  
 5 necessary is carried out at that point. If that had not  
 6 been the case and there had been issues that had not  
 7 been addressed, then the certificate would be suspended.  
 8 Q. I see.  
 9 Now, in this instance, changes to the formulation  
 10 are not particularly relevant to whether or not K15  
 11 could still achieve class 0, because a classification to  
 12 class 0 had never actually been established by evidence  
 13 for K15 in the first place, had it, back in 2008?  
 14 A. This is in reference to an 8414 report, I think we're  
 15 talking?  
 16 Q. Yes, sorry, I'm now asking you about changes that are  
 17 relevant to class 0. I'm going back to that. I want to  
 18 understand how changes in the formulation were relevant,  
 19 given you had never got a baseline, you had never got  
 20 the evidence in the first place of satisfaction of the  
 21 class 0 tests.  
 22 A. That's correct, we did not. However, as you know,  
 23 achievement of class 0 would not in itself be sufficient  
 24 to allow the use of the product above 18 metres.  
 25 Q. No, I do know that, thank you, Mr Albon, but I'm still

1 trying to explore how that statement made its way onto  
 2 this certificate which you signed off on.  
 3 Do you accept that it was a basic failure of  
 4 due diligence on the part of the BBA to allow that  
 5 class 0 statement to appear on this certificate in  
 6 circumstances where the BBA had never had proper  
 7 supporting test data?  
 8 A. Yes, I think I acknowledged that yesterday.  
 9 Q. Do you accept that it was a basic failure of  
 10 due diligence on your part, given that you signed off on  
 11 that certificate?  
 12 A. I think I followed the BBA's procedures, which are  
 13 reasonable, and in doing so I perpetuated the original  
 14 error. So, possibly.  
 15 Q. Oh, I see.  
 16 If we go back to the certificate at page 6  
 17 {BBA00000036/6}, we can see that there is a little  
 18 footnote in the section that I just read you about the  
 19 8414 test. Can you see it says at 8.2, "When tested",  
 20 and then there is a footnote number 1, and we can see  
 21 that that footnote number 1 refers to a section just  
 22 underneath that detail about the construction. It says:  
 23 "The test result relates only to this specific  
 24 construction and a separate test would be required to  
 25 establish the performance of any other combination of

1 materials."  
 2 Now, do you remember noticing that? Because that  
 3 was different, wasn't it, from the previous version of  
 4 the certificate?  
 5 A. Yes, it is.  
 6 Q. Can you help me: would you have the previous versions of  
 7 the certificate in front of you when you came to  
 8 sign off on a later version?  
 9 A. Yes, there would be a track changes Word document, so  
 10 you could identify the original text and the changes  
 11 that had been made.  
 12 Q. Now, in terms of that footnote there to section 8.2, are  
 13 you aware that Kingspan saw the placement and the size  
 14 of that text as something of a victory in terms of the  
 15 final version of this certificate?  
 16 A. I was not aware of that before it was identified in  
 17 the Inquiry.  
 18 Q. Does it surprise you that Kingspan treated it as  
 19 progress for them that requirements which limited the  
 20 scope of the use of K15 were buried deep in the  
 21 certificate?  
 22 A. It does surprise me, though I would argue that the  
 23 limitations are placed by the approved documents, not  
 24 this certificate.  
 25 Q. Yes, but just sticking with this certificate, what we

1 can see is, you see, if we go back to page 1  
 2 {BBA00000036/1}, and under "Key factors assessed",  
 3 "Behaviour in relation to fire", as we noted when we  
 4 first looked at this, there is only one sentence there:  
 5 "The product will not contribute to the development  
 6 stages of a fire or present a smoke or toxic hazard ..."  
 7 A sentence has been removed from the previous  
 8 version which had said in that position on the  
 9 certificate:  
 10 "The product has been tested to BS 8414-1 for  
 11 a specific construction on masonry walls (see  
 12 section 7)."  
 13 Now, that sentence has been deleted on the front of  
 14 this certificate, and that limitation is only expressed  
 15 in the footnote on page 6 that we just looked at.  
 16 Now, did you notice that change when you came to  
 17 review the certificate?  
 18 A. I would have done. I think you should have added, when  
 19 you read the text under "Behaviour in relation to fire",  
 20 "see section 8", because this is only intended to  
 21 provide a brief summary and to direct the reader to the  
 22 section of the certificate where the full information is  
 23 given.  
 24 Similarly, in section 8, in bold text, it does say  
 25 this specific construction was tested, so it is not only

1 the footnote that makes that point.  
 2 Q. Yes, I understand that, but what I'm seeking to get to  
 3 the bottom of is why remove the sentence, "The product  
 4 has been tested to BS 8414—1 for specific construction  
 5 on masonry walls". You see, that was a sentence that,  
 6 in late 2008, the BBA had asked to be added in to this  
 7 certificate to make it clearer to the readers what the  
 8 limitations were of that 8414 test data.  
 9 So can you explain to us why that sentence comes out  
 10 of this front page, and that sentiment is now only  
 11 expressed in a very small footnote on page 6?  
 12 A. Because it is not possible to give a full and accurate  
 13 representation of the detailed fire performance of the  
 14 product in a one—line summary on the front page. For  
 15 that reason, we refer the reader to the full text in  
 16 section 8, which relates not only to BS 8414, but also  
 17 class 0 and the fire resistance of the product.  
 18 I understand why you're focusing on BS 8414, because  
 19 it is specific to this particular case, but the  
 20 BBA certificate covers all aspects of fire, not merely  
 21 the 8414, and it didn't warrant emphasising on the front  
 22 page.  
 23 Q. Yes, but you see, Kingspan had very little fire test  
 24 data at this time, which is why the BS 8414 test was so  
 25 critical. Did you understand that at the time?

1 A. I would argue the fire resistance of the product is  
 2 equally critical, the class 0 performance is equally  
 3 critical, and we cannot put all of that information on  
 4 the front page.  
 5 Q. Yes, and I see you say there the class 0 performance is  
 6 equally critical, and we've already been through that.  
 7 Did you actually notice at the time that that  
 8 sentence had been taken off the front page and instead  
 9 a small footnote had been inserted? Do you remember  
 10 actually noticing that when you reviewed the  
 11 certificate?  
 12 A. This is one of hundreds, if not thousands, of  
 13 certificates that I have reviewed over that period.  
 14 I don't remember looking specifically at that clause  
 15 now, no, but I would have read it.  
 16 Q. Do you believe that you gave the technical content of  
 17 this certificate the attention it required before you  
 18 approved it for publication, and that your own work on  
 19 it in terms of checks was competent and adequate?  
 20 A. I believe I gave it the attention it required. I made  
 21 a mistake on the front page by retaining a misleading  
 22 statement.  
 23 SIR MARTIN MOORE—BICK: Mr Albon, before we leave section 8  
 24 of the certificate, can I just ask you this: you will  
 25 recall that the footnote is quite an important

1 qualification, isn't it, on the passage that precedes  
 2 it?  
 3 A. Yes.  
 4 SIR MARTIN MOORE—BICK: The footnote is printed in quite  
 5 small type, isn't it?  
 6 A. Yes.  
 7 SIR MARTIN MOORE—BICK: Why is that?  
 8 A. It's standard BBA house style for any footnotes we  
 9 incorporate into certificates. It's not specific to  
 10 this certificate or this clause.  
 11 SIR MARTIN MOORE—BICK: You don't think it was important for  
 12 a qualification of that type to stand out more?  
 13 A. With hindsight, possibly, but I would expect the reader  
 14 of the certificate to understand the text, to read all  
 15 of the text, and it does say in the first line,  
 16 I believe, that it was that specific construction that  
 17 had been tested.  
 18 SIR MARTIN MOORE—BICK: Yes, all right. Thank you very  
 19 much.  
 20 Yes, Ms Grange.  
 21 MS GRANGE: Yes, thank you.  
 22 Mr Albon, I just want to come to some general  
 23 questions now at the end.  
 24 It's right, isn't it, that the BBA is held in very  
 25 high regard in the construction industry? Is that

1 right?  
 2 A. Yes.  
 3 Q. Can we just look at something that Paul Hyett,  
 4 the Inquiry's expert architect, has said in his report.  
 5 If we can go to {PHYR0000029/97}. At paragraph 4.4.56,  
 6 he says this:  
 7 "I believe that architects should be able to place  
 8 reliance on a BBA certificate. In support of this view  
 9 I quote from the BBA's web site and add some exhibit  
 10 slogans as follows."  
 11 If we read the quotes he has got there:  
 12 "Product Approval & Certification.  
 13 "BBA certification is recognised throughout the  
 14 construction industry as a symbol of quality and  
 15 reassurance. It's the vital ingredient in the provision  
 16 of assurance, quality and integrity to a plethora of  
 17 stakeholders in the construction industry.  
 18 "Certification is an achievement that delivers the  
 19 power of product confidence, industry satisfaction and  
 20 market leadership.  
 21 "Recognised, respected and sought after by  
 22 specifiers, architects and contractors, reassures all  
 23 parties that you are an expert in your speciality who  
 24 stays on top of the latest advances and best practices,  
 25 so you can deliver the safest, most efficient and

1 highest quality product possible."  
 2 Then if we go over the page {PHYR0000029/98}, you  
 3 can see that he's set out some extracts from the BBA  
 4 website here, and under "About Us" it says:  
 5 "The BBA sets the standard for excellence in  
 6 construction products and systems. We offer technical  
 7 expertise, are independent with an unrivalled track  
 8 record and offer more than certification through our  
 9 audit and inspection and test services."  
 10 Then below that, it says:  
 11 "We are the leading authority on building product  
 12 certification ; a position we've held for more than  
 13 50 years. With a technical integrity founded on our  
 14 independent approach and delivered by the industry's  
 15 recognised experts, we can also leverage our unrivalled  
 16 track record to accredit building systems using the same  
 17 trusted, non-partisan approach."  
 18 So conveniently, Mr Hyett was summarised for us  
 19 there what we see on the BBA's website.  
 20 Now, looking back, and stepping back, at what  
 21 occurred with the Reynobond and the K15 certificates,  
 22 can we agree that, starting with the Reynobond  
 23 certificate , there was a serious failure by the BBA to  
 24 obtain all relevant fire test data when the certificate  
 25 was first issued, specifically failure to obtain any

1 fire test data relating to the cassette—fix variant of  
 2 Reynobond 55?  
 3 A. I agree we did not have those documents in our  
 4 possession. I do believe it was the responsibility of  
 5 the manufacturer to supply them to us and that they  
 6 deliberately withheld them. Our procedures are not  
 7 designed to cope with that scenario.  
 8 Q. So do I take it from that that you don't accept there  
 9 was a serious failure by the BBA to specifically obtain  
 10 that fire test data?  
 11 A. We were unable to obtain that fire data, yes.  
 12 Q. Yes, but do you accept that was a serious failure by the  
 13 BBA?  
 14 A. I would argue it was a serious failure by the  
 15 manufacturer to properly declare the actual performance  
 16 of their product.  
 17 Q. Moving on, do you accept there was a serious failure by  
 18 the BBA to properly scrutinise such of Arconic's  
 19 fire test data as Arconic had given you when the  
 20 certificate was first issued?  
 21 A. Yes, we should have explained that the fire test data  
 22 was specific to the rivet product.  
 23 Q. Yes, and that led to the erroneous and misleading  
 24 statement within the BBA certificate that the panel was  
 25 fit for its purpose in fire both as a rivet fix and as

1 a cassette fix ; yes?  
 2 A. It would have been fit for purpose in fire in certain  
 3 scenarios, but not in all scenarios.  
 4 Q. No. And as a result, the certificate was materially  
 5 misleading about the panel's true performance in fire ;  
 6 yes?  
 7 A. It was certainly capable of being misinterpreted, yes.  
 8 Q. And there was also a serious failure in the review of  
 9 the certificate between 2013 and 2015, which resulted in  
 10 the review being completed and the certificate remaining  
 11 in circulation without Arconic confirming that there had  
 12 been no changes to the product which invalidated the  
 13 certificate ?  
 14 A. A decision was made, as the BBA procedures allowed, that  
 15 the information available to the BBA gave sufficient  
 16 reassurance to conclude that the product continued to  
 17 represent the actual performance of the system based on  
 18 the information provided by the certificate holder.  
 19 Q. So does it follow from that answer that you don't accept  
 20 that was a serious failure in that review process?  
 21 A. The review failed to identify that there were additional  
 22 fire test reports available to the manufacturer that had  
 23 not been provided to the BBA, yes.  
 24 Q. Right.  
 25 Can we agree that, in respect of the K15

1 certificates now, fire performance statements were made  
 2 in those certificates which were inaccurate and  
 3 misleading and which had no proper evidential basis?  
 4 A. In terms of the class 0 performance, yes, I would agree.  
 5 Q. And in terms of fire, whether it contributes to the  
 6 development stages of a fire?  
 7 A. Yes.  
 8 Q. A particularly serious error was made when the revised  
 9 issue 1 stated that K15 could be used in accordance with  
 10 paragraph 12.7 of ADB, and that error was so serious  
 11 that the Government had to intervene; do you agree?  
 12 A. No, I don't agree with that statement, as -- for the  
 13 reasons I've described.  
 14 Q. And the BBA was also extremely slow to implement  
 15 important changes to the first issue of the certificate  
 16 which were necessary to ensure that the fire performance  
 17 sections of the certificate were accurate, a delay  
 18 between December 2008 and July 2013; do you agree with  
 19 that?  
 20 A. Which specific amendments are you referring to, please?  
 21 Q. Yes, so that was the amendment actually we were just  
 22 looking at, where you had inserted an additional  
 23 sentence on the front page saying that it had met 8414  
 24 for one specific construction on a masonry wall. That  
 25 change was suggested by the BBA in 2008, but it was not

1 implemented on the certificate until July 2013.  
 2 A. It was a clarification , but the construction was given,  
 3 I believe, in the first issue of the certificate , so the  
 4 reader would have been able to infer that from the  
 5 information given in the certificate . I do agree that  
 6 it was improved and clarified in the second issue.  
 7 Q. But the point I'm putting to you is that the BBA was  
 8 extremely slow to implement that important change.  
 9 A. Yes, it took longer than I would have expected, I agree.  
 10 Q. In the light of all of that, do you accept that the work  
 11 of the BBA fell a long way short of the standards of  
 12 excellence advertised by the BBA on its website?  
 13 A. I agree that mistakes were made and I regret those  
 14 mistakes, but I still believe that, from the information  
 15 made available to us, a suitably experienced and  
 16 knowledgeable individual could have drawn conclusions  
 17 from the contents of the certificates .  
 18 Q. Can we agree that by failing to adhere to those  
 19 standards of excellence, what the BBA did was to give  
 20 a public stamp of authority and authenticity to false  
 21 and inaccurate statements by the product manufacturers?  
 22 A. I agree that the BBA certificates were inaccurate as  
 23 a result of the information not having been declared to  
 24 us and so, yes, we did support inaccurate claims made by  
 25 the manufacturer.

1 Q. Given everything we have gone through, do you also  
 2 accept that the BBA has been slow to recognise that it  
 3 was lacking in competence in the area of fire  
 4 performance assessment?  
 5 A. No, I think I've evidenced that we have put many  
 6 improvements in place since the original assessment of  
 7 that certificate and that our competence is higher now  
 8 than it was then. We are continuing to do so.  
 9 Q. Finally, do you also accept that the BBA has shown  
 10 itself to be toothless and weak in its dealings with  
 11 product manufacturers?  
 12 A. No, I don't agree with that.  
 13 Q. Why not?  
 14 A. In what way have we shown ourselves to be toothless and  
 15 weak?  
 16 Q. By allowing statements by product manufacturers which  
 17 are inaccurate to go into BBA certificates, and not  
 18 correcting inaccurate statements in a timely manner.  
 19 A. In terms of being toothless, we have or we took steps to  
 20 withdraw the Arconic certificate when it became clear to  
 21 us that these fire test reports had not been revealed to  
 22 the BBA. That is the ultimate sanction we can take, to  
 23 withdraw a certificate , and that's what we did.  
 24 Q. In 2017.  
 25 A. When we became aware, through the Inquiry, that there

1 were additional fire test reports that had not been  
 2 revealed to the BBA, the BBA withdrew that certificate.  
 3 MS GRANGE: Mr Chairman, thank you, I have come to the end  
 4 of my prepared questions. If we could have a short  
 5 break to see if there are any more questions. We  
 6 haven't had many coming in recently, so I don't think we  
 7 need to take very long.  
 8 SIR MARTIN MOORE-BICK: Well, it might be sensible to  
 9 combine this break with the ordinary morning break  
 10 anyway.  
 11 MS GRANGE: Yes, actually, that's -- yes.  
 12 SIR MARTIN MOORE-BICK: Mr Albon, as you heard, counsel  
 13 thinks she has got to the end of her questions, but we  
 14 always have a bit of a break at this stage just to  
 15 ensure that that is the case, and also to give other  
 16 people who are following the proceedings the chance to  
 17 suggest additional questions.  
 18 So we'll take a break at this point. I think we'll  
 19 treat it as our mid-morning break. We will resume at  
 20 11.15, please, and then we will see at that stage  
 21 whether or not there are any more questions for you.  
 22 All right?  
 23 "Question: Okay, thank you.  
 24 SIR MARTIN MOORE-BICK: As before, please don't talk to  
 25 anyone about your evidence or anything relating to it

1 during the break.  
 2 Good, thank you. We will see you again at 11.15,  
 3 please. Thank you very much.  
 4 (11.01 am)  
 5 (A short break)  
 6 (11.15 am)  
 7 SIR MARTIN MOORE-BICK: Welcome back, everyone. We are now  
 8 going to see whether there are any more questions from  
 9 Mr Albon. So I'll just check that Mr Albon can see me  
 10 and hear me clearly.  
 11 Mr Albon, are you there?  
 12 THE WITNESS: Yes, I can.  
 13 SIR MARTIN MOORE-BICK: Good, thank you very much indeed.  
 14 So we'll now find out if there are any more questions  
 15 for you.  
 16 Yes, Ms Grange.  
 17 MS GRANGE: Yes, just one more question, Mr Chairman,  
 18 please.  
 19 Mr Albon, can you help us about this: why isn't the  
 20 review process for a BBA certificate a thorough and  
 21 complete review of all original data, given that the  
 22 contractual sanction for not doing a review is expiry of  
 23 the contract and lapse of the certificate ? Can you help  
 24 us with that?  
 25 A. All of our processes have developed and evolved over the

1 years. The current review process is different to those  
 2 that we have been examining as part of the Inquiry. We  
 3 now do require that we receive a full and written  
 4 response to every point requested as part of the review  
 5 process, and the default position should that not be the  
 6 case, is that the certificate is suspended until such  
 7 time as the information is provided.  
 8 Q. I see. My question was just slightly different : why  
 9 isn't the review process a thorough and complete review  
 10 of all the original data and all the underlying  
 11 assumptions that have been made in the certificate,  
 12 given that the sanction for not doing it is effectively  
 13 termination and withdrawal of the certificate ?  
 14 A. Well, as I said, our processes have developed and  
 15 evolved and they are now significantly more robust than  
 16 they were at that time, and I would expect that all of  
 17 the necessary information would both be placed on file,  
 18 properly reviewed, documented and signed off prior to  
 19 the issue of that certificate . Given that that is the  
 20 case, there seems little point in repeating the exercise  
 21 as part of the review.  
 22 MS GRANGE: I see. Thank you very much.  
 23 Mr Chairman, I have no further questions, it's just  
 24 to thank this witness for coming and assisting our  
 25 investigations .

1 SIR MARTIN MOORE–BICK: Yes, thank you, Ms Grange.  
 2 Well, Mr Albon, as you have heard, those are all the  
 3 questions we have for you. We are very grateful to you  
 4 for coming to give your evidence, and I would like to  
 5 thank you on behalf of myself and the other members of  
 6 the panel. It's been very useful to hear what you have  
 7 told us, and that's all we have for you and you're now  
 8 free to go on your way. Thank you very much indeed.  
 9 THE WITNESS: Okay, thank you.  
 10 (The witness withdrew)  
 11 SIR MARTIN MOORE–BICK: Now, we have another witness who  
 12 will be giving evidence in a moment, but in order to  
 13 make the necessary arrangements, we will have to have  
 14 a short break. So we will break now and resume as soon  
 15 as we can.  
 16 (11.17 am)  
 17 (A short break)  
 18 (11.40 am)  
 19 MR ADRIAN WESTLEY PARGETER (recalled)  
 20 SIR MARTIN MOORE–BICK: Welcome back, everyone. Our next  
 21 witness is Mr Adrian Pargeter, who has already given  
 22 evidence to the Inquiry, but whom we are recalling to  
 23 deal with some additional questions.  
 24 So my first step is to check that Mr Pargeter can  
 25 see me and hear me clearly.

1 Mr Pargeter, good morning, can you hear me and see  
 2 me?  
 3 THE WITNESS: Good morning, I can hear and see you, yes.  
 4 SIR MARTIN MOORE–BICK: Thank you very much.  
 5 Now, although you made the affirmation last time,  
 6 I think we released you, so we had better ask you to  
 7 make it again. You should have the words of the  
 8 affirmation on the screen in front of you. Do you have  
 9 those?  
 10 THE WITNESS: I do.  
 11 SIR MARTIN MOORE–BICK: Could I ask you, please, then, to  
 12 make the affirmation by reading them out.  
 13 (Witness affirmed)  
 14 SIR MARTIN MOORE–BICK: Very good, thank you very much.  
 15 There are one or two housekeeping matters we have to  
 16 deal with.  
 17 Can I ask you to confirm that you're alone in the  
 18 room from which you're giving evidence?  
 19 THE WITNESS: I am alone, yes.  
 20 SIR MARTIN MOORE–BICK: Thank you.  
 21 Can you also confirm that you have no documents or  
 22 other materials with you?  
 23 THE WITNESS: I don't.  
 24 SIR MARTIN MOORE–BICK: Right.  
 25 Finally, can I ask you to confirm that your mobile

1 phone is in another room and that you don't have any  
 2 other electronic device with you which is capable of  
 3 receiving messages?  
 4 THE WITNESS: I don't have any devices on me at all.  
 5 SIR MARTIN MOORE–BICK: Right, thank you very much.  
 6 Now, you probably know this, but I just confirm that  
 7 your legal representatives are with us in the virtual  
 8 hearing room. They can, if they feel it necessary to do  
 9 so, intervene in the proceedings, but they know and we  
 10 know that there are other arrangements under which they  
 11 can contact our counsel, so I'm going to ask them to  
 12 keep their microphones and cameras switched off in the  
 13 ordinary way.  
 14 If we have a problem with sound or vision, we will  
 15 take a short break while our technical support people  
 16 sort it out.  
 17 I think you'll probably still be giving evidence  
 18 this afternoon. We will have a break during the  
 19 afternoon. We have already had one during the morning  
 20 so I think we probably won't go for another one during  
 21 the morning. But if you feel you need any additional  
 22 breaks other than those already scheduled, just let me  
 23 know and we will do our best to accommodate you.  
 24 THE WITNESS: I will do.  
 25 SIR MARTIN MOORE–BICK: Is there anything you would like to

1 ask me or raise before you start giving your evidence?  
 2 THE WITNESS: No, I'm fine, thank you.  
 3 SIR MARTIN MOORE-BICK: Good, thank you very much.  
 4 In that case, I'm going to invite Mr Millett to put  
 5 some questions to you.  
 6 MR MILLETT: Thank you very much, Mr Chairman.  
 7 Questions from COUNSEL TO THE INQUIRY  
 8 MR MILLETT: Mr Pargeter, first, can I ask you whether you  
 9 can see me and hear me clearly?  
 10 A. I can see you and hear you, yes.  
 11 Q. Thank you very much.  
 12 I should begin by thanking you very much for  
 13 returning to the Inquiry to give further evidence.  
 14 If you have any difficulty understanding any of the  
 15 questions that I'm asking you, or you want me to put the  
 16 question in a different way so you can understand it  
 17 better, I'm very happy to do that.  
 18 Could I also ask you, please, to keep your voice up  
 19 so that the transcriber who is on this call can take  
 20 down clearly what it is you're saying. Also, again,  
 21 don't nod or shake your head; please say "yes" or "no"  
 22 as the case may be.  
 23 Mr Chairman has already explained what we're going  
 24 to be doing in relation to breaks today, and if we go  
 25 into tomorrow then there will be, I imagine, a scheduled

1 break in the morning.  
 2 Can you confirm that you gave evidence to this  
 3 Inquiry on 7, 8 and the morning of 9 December 2020?  
 4 A. I can.  
 5 Q. In addition to the four witness statements that you have  
 6 given to the Inquiry which you confirmed in your  
 7 evidence on the last occasion, you I think have now  
 8 provided a further fifth witness statement to  
 9 the Inquiry dated 14 January 2021; is that correct?  
 10 A. That's correct.  
 11 Q. Let's look at that, then, please. It's at  
 12 {KIN00024975}. Can we please have that up.  
 13 Is that the first page of your fifth statement?  
 14 A. It is.  
 15 Q. Can you please go to page 7. You will see a signature  
 16 above your name and the date there. Is that your  
 17 signature?  
 18 A. It is.  
 19 Q. Have you read this fifth witness statement of yours  
 20 recently?  
 21 A. I have.  
 22 Q. Do you say that the contents of it are true?  
 23 A. I do.  
 24 Q. Have you carried out any preparations in order to give  
 25 evidence today?

1 A. Preparations, how do you mean?  
 2 Q. Well, have you made any refreshment of your memory, have  
 3 you spoken to anybody, have you looked at documents,  
 4 have you looked at previous statements in order to give  
 5 evidence today?  
 6 A. Yes, I have. Around the fifth witness statement, yes,  
 7 I have.  
 8 Q. Around the fifth witness statement, what do you mean?  
 9 A. Around the subject that's contained within the fifth  
 10 witness statement and the exhibits that I've attached to  
 11 it.  
 12 Q. Right. What preparations have you made around the fifth  
 13 witness statement, as you put it?  
 14 A. Just looking at emails that were around at the time and  
 15 checking back on the evidence that I gave on that last  
 16 morning as well.  
 17 Q. I see. Did anybody assist you with those preparations?  
 18 A. Just in providing documents.  
 19 Q. Did anybody discuss the evidence that you're going to be  
 20 giving today on those matters or any other matters with  
 21 you before you came here today?  
 22 A. No.  
 23 Q. Are you aware of three requests for further disclosure  
 24 made by the Inquiry of Kingspan?  
 25 A. I'm aware there's been more evidence requests, yes.

1 Q. Are you aware of Kingspan's responses to those requests  
 2 for disclosure?  
 3 A. No.  
 4 Q. Do I take it from that that you were not the ultimate  
 5 decision-maker at Kingspan in respect of Kingspan's  
 6 responses to the Inquiry's requests for further  
 7 disclosure?  
 8 A. That's correct.  
 9 Q. Right.  
 10 Now, on the last occasion that you gave evidence,  
 11 9 December 2020, you held the position at Kingspan of  
 12 director of technical, marketing and regulatory affairs  
 13 (Great Britain), didn't you?  
 14 A. I did.  
 15 Q. Do you still hold that role?  
 16 A. I do.  
 17 Q. Are you under any kind of internal investigation at  
 18 Kingspan?  
 19 A. No.  
 20 Q. Have you made or been subjected to any arrangements to  
 21 leave Kingspan?  
 22 A. No.  
 23 Q. And you're not under any kind of suspension?  
 24 A. No.  
 25 Q. Now, I would like to look back first, really by way of

1 refreshment, if I may, to your previous evidence about  
 2 the 2018 tests. Forgive me for going a little bit  
 3 slowly with this, but let's take it in stages.  
 4 You will remember, I think, that on 9 December 2020,  
 5 Day 85 of this phase of the Inquiry, you gave some  
 6 evidence on the subject of Kingspan's testing of  
 7 non-combustible insulation products in a BS 8414 test in  
 8 the spring and summer of 2018, didn't you?  
 9 A. I did.  
 10 Q. Am I right that that arose out of paragraph 12.3(e) of  
 11 your second witness statement, which I'll show you, it's  
 12 at {KIN00020824/113} and over to {KIN00020824/114}.  
 13 There is your second witness statement on the screen.  
 14 That's the first page. If we go to page 113, let's look  
 15 together -- we probably need 112 {KIN00020824/112} to  
 16 show you where it starts, actually. This sits within  
 17 a section, as you can see on the screen, headed:  
 18 "12. Comments on issues 4 and 4A from the Inquiry's  
 19 list of issues (last updated 25 September 2019)."  
 20 Then you say in paragraph 12.1:  
 21 "12.1. As well as being asked a number of questions  
 22 by the Inquiry, I have in mind the Inquiry's List of  
 23 Issues last updated on 25 September 2019. I would like  
 24 to add these comments to deal with issues 4 ... and 4A  
 25 [and you describe them] ... I have previously

1 contributed to submissions Kingspan made to the MHCLG on  
 2 14 August 2018 in the consultation on 'Banning the use  
 3 of combustible materials in the external walls of  
 4 high-rise residential buildings' (the Inquiry already  
 5 has a copy of Kingspan's response to this consultation  
 6 but a further copy can be made available on request) and  
 7 to an extent these comments reflect those submissions.  
 8 "12.2. Experience and reflection has led us to the  
 9 view that the most effective way of achieving the goal  
 10 of improving the safety of building occupants in the  
 11 event of a fire, would be to ensure that all cladding  
 12 systems are tested as complete systems in their intended  
 13 configuration to BS 8414 standards so as to meet the  
 14 requirements set out in BR 135. Experience suggests  
 15 this delivers better safety outcomes and in our view is  
 16 best practice rather than simply banning of classes of  
 17 certain materials."  
 18 Then at 12.3 you explain the rationale behind this  
 19 view, and if we go over the page {KIN00020824/113} to  
 20 (e) at the bottom of page 113, you say:  
 21 "It is not correct to assume that any combination of  
 22 'non-combustible' systems are safe irrespective of how  
 23 they are assembled in a holistic system. Permitted  
 24 product combinations can yield unsafe systems: systems  
 25 comprising so-called 'non-combustible' and 'limited

1 combustibility' insulation and/or cladding systems have  
 2 failed to meet BR 135 criteria such as ..."  
 3 Then you set out three tests.  
 4 "(i) FAILED Test 1 [and you identify that] ...  
 5 27th October 2016."  
 6 Then if we turn the page to 114 {KIN00020824/114}  
 7 you can see failed test 2, a test conducted in Australia  
 8 in March 2018. Then failed test 3, you say:  
 9 "This test was commissioned by Kingspan and carried  
 10 out at Exova in Dubai on 2nd July 2018. The system  
 11 comprised Rockwool DuoSlab (which is rated A1) and  
 12 Vitracore G2 (which was understood at the time by  
 13 Kingspan to be rated A2). The construction of the test  
 14 rig was a replica of the Ministry of Housing,  
 15 Communities and Local Government tests conducted  
 16 immediately after the tragedy at Grenfell Tower. The  
 17 test failed on the basis of thermocouple data which is  
 18 detailed in the enclosed BR 135 Classification Report  
 19 from Exova [which you exhibit]."  
 20 Now, I've read you that in full so that you can  
 21 understand the questions that now, I think, flow from  
 22 that.  
 23 It's right, isn't it, that when you made that  
 24 statement in October 2019, Kingspan hadn't searched for  
 25 and given disclosure to the Inquiry of all relevant

1 documents relating to what I've just read to you from  
 2 your second statement?  
 3 A. Kingspan hadn't -- sorry, can you repeat the question?  
 4 Q. Had not searched for and given disclosure to the Inquiry  
 5 of all relevant documents relating to those comments  
 6 that I've read to you.  
 7 A. I'm not sure.  
 8 Q. You're not sure.  
 9 The reason I ask you that is because, following  
 10 further requests from the Inquiry that I mentioned to  
 11 you at the start of your evidence, Kingspan made further  
 12 disclosures in January of this year, 2021, relating to  
 13 the 2018 testing. You know that, don't you? Or do you  
 14 not know that?  
 15 A. I wouldn't have known the specifics around that.  
 16 Q. Is it right that when you referred to documents here in  
 17 your second statement dealing with these comments at  
 18 part 12 of that statement, you were referring simply to  
 19 those documents that you had selected or had been  
 20 selected for you?  
 21 A. That I'd selected as part of what I was saying here.  
 22 Q. But I'm right in thinking that you didn't commission or  
 23 cause to be commissioned a full search of all documents  
 24 relating to the testing in the summer of 2018?  
 25 A. No, I didn't.

1 Q. Do you know why that was?  
 2 A. Why I didn't?  
 3 Q. Yes, why you didn't.  
 4 A. No, I don't. I don't know.  
 5 Q. Do you know why it was not done, regardless of whether  
 6 it was you?  
 7 A. No, I don't.  
 8 Q. Right.  
 9 Now, you can see from what I've shown you that you  
 10 made no reference in this statement or made any  
 11 disclosure of documents relating to a test conducted on  
 12 22 May 2018 in Dubai, did you?  
 13 A. That's correct.  
 14 Q. And you didn't do that until after your examination had  
 15 completed in December 2020, had you?  
 16 A. That's correct.  
 17 Q. Now, on the last occasion you gave evidence,  
 18 9 December 2020, you gave evidence about a series of  
 19 emails that were generated internally within Kingspan in  
 20 March and April of 2018 about the testing done in that  
 21 year. Do you remember that?  
 22 A. I do.  
 23 Q. I'll just put the email chains up in front of you one by  
 24 one to refresh your memory of what you were examined  
 25 about. The first of those is at {KIN00004637}.

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1 SIR MARTIN MOORE—BICK: Mr Millett, before you go on, can  
 2 I just ask Mr Pargeter: Mr Pargeter, is there a light in  
 3 the room in which you're sitting which has failed?  
 4 Because at the moment we can only see half of your face,  
 5 I regret to say.  
 6 THE WITNESS: What's happened is the main room lighting, I  
 7 think because there's not enough movement, has gone into  
 8 dim mode, so I'll switch this light on now.  
 9 SIR MARTIN MOORE—BICK: See if that's any better.  
 10 THE WITNESS: If I can, if I know how to do it.  
 11 (Pause)  
 12 SIR MARTIN MOORE—BICK: That's definitely an improvement.  
 13 THE WITNESS: The main lighting has now come on, now I've  
 14 moved around.  
 15 SIR MARTIN MOORE—BICK: Well, if you start waving your arms  
 16 around, we'll understand that you're just trying to  
 17 switch the light on.  
 18 Well, thank you, that makes a lot of difference.  
 19 Thank you very much.  
 20 MR MILLETT: Thank you.  
 21 Mr Pargeter, you were speaking to somebody just  
 22 then. Who was that?  
 23 A. That was just somebody nipping in to try and get the  
 24 lights to work. They have gone back out again now.  
 25 Q. I see. Can you confirm that they have now left the

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1 room?  
 2 A. Yes, they left immediately.  
 3 Q. There's nobody in the room with you?  
 4 A. No, no, there's nobody in the room with me.  
 5 Q. Thank you.  
 6 Let's have the first of those email chains up,  
 7 please, {KIN00004637}. This was the email chain from  
 8 early March 2018 entitled "RE: Ulster Tests/MHCLG  
 9 Select Committee Lobbying". Do you remember this email  
 10 chain?  
 11 A. Yes, I do.  
 12 Q. I don't want to read it all to you again at this stage,  
 13 but you remember that, and the second chain we looked at  
 14 was {KIN00004658}, if we can have that up, please, and  
 15 you will recall that this was the chain of emails in  
 16 April 2018, also relating to the testing to come and  
 17 entitled "Linear Route Action Plan". Do you recall  
 18 those; yes?  
 19 A. Yes, I do.  
 20 Q. Do you recall giving evidence that the aim of those  
 21 tests that was discussed in those emails was to obtain  
 22 evidence to support the need for full-scale testing of  
 23 all systems and demonstrate that materials that are  
 24 "deemed to satisfy the linear route" don't automatically  
 25 always meet the criteria under BR 135 when tested

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1 full scale to BS 8414?  
 2 A. That's correct.  
 3 Q. Do you recall also that you were asked and confirmed  
 4 that the system, the proposed system to be tested as  
 5 discussed in these March and April 2018 emails, was the  
 6 system that was tested by Kingspan in Dubai on  
 7 2 July 2018?  
 8 A. Yes, that's correct.  
 9 Q. And you confirmed that; yes?  
 10 A. We talked about two systems in that evidence: there was  
 11 the A2 system which was the earlier test, and then there  
 12 was the G2 system, which is the later test. So in  
 13 discussion we actually discussed both.  
 14 Q. Well, not to my knowledge, Mr Pargeter. Let's show you  
 15 the transcript, because this is I think what you're here  
 16 to correct.  
 17 A. Yes.  
 18 Q. Let's go to {Day85/77:12}. I would like to pick it up  
 19 at line 12 where I say, "Let's move on".  
 20 I'd shown you the March and April emails, nothing  
 21 else, and I asked you at line 13:  
 22 "Question: The test went ahead, didn't it, and it  
 23 failed?  
 24 "Answer: Yes.  
 25 "Question: And I think it went ahead in fact in

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1 July 2018, 2 July, didn't it?

2 "Answer: I believe so.

3 "Question: Yes, just to be clear, we've got the

4 test or the classification report at {KIN00000480}.

5 Let's have a look at that, please. It's report number

6 SR0894, 'Vitracore G2 Composite Panel with 180mm

7 Rockwool Duo Slab Insulation', and if we look down to

8 the next page {KIN00000480/2}, we can see, just working

9 through it -- and this is an Exova test -- the test

10 sample description with Siderise cavity barriers there,

11 and then over the next page {KIN00000480/3}, the

12 insulation, 180 millimetres of Rockwool, railing, and

13 the cladding panel there, Vitracore G2, and more details

14 on the right-hand side.

15 "If you go to the next page {KIN00000480/4}, you can

16 see the drawings, the build-up.

17 "Do you have any reason to think that what was

18 tested as per this classification report was different

19 from what was discussed in the April emails we have been

20 looking at?

21 "Answer: No, not that I can think of."

22 Now, we've --

23 SIR MARTIN MOORE--BICK: Now, Mr Millett, I'm sorry that I'm

24 going to interrupt you again at this point, and I hope

25 that Mr Pargeter can remember the passages you have just

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1 shown him.

2 The reason I'm interrupting you is because, as

3 I think most of those watching us will know, a national

4 one-minute silence is being held at noon today in

5 remembrance of those who have died from COVID and the

6 many others whose lives have been affected by it during

7 the past year.

8 We will observe that one-minute silence, and we will

9 observe it now.

10 (One-minute silence)

11 Thank you all very much.

12 Well, I'm sorry to interrupt the train of your

13 thought like that, Mr Pargeter, I hope you can remember

14 the passages that Mr Millett was trying to remind you

15 of.

16 Mr Millett, would you like now to put your question?

17 MR MILLETT: Yes, Mr Chairman, thank you.

18 I've shown you the passage which was your evidence

19 last time.

20 Can we now look at your fifth witness statement,

21 please, which we looked at before, and to which you

22 swore this morning. I would like to go to page 1,

23 paragraph 1.1, please, your fifth statement

24 {KIN000024975}.

25 Can we look down at paragraph 1.1. You say this:

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1 "This witness statement is provided in addition to

2 the four earlier statements which I have provided to the

3 Inquiry and relates to two fire system tests carried out

4 in accordance with BS 8414 Part 2, which Kingspan

5 Insulation Limited ('Kingspan') commissioned in 2018.

6 This issue was addressed on 9 December 2020, my final

7 day of evidence, and I wish to deal with an error that

8 has been made in the evidence heard by the Inquiry in

9 relation to these tests."

10 Then you go on to say at paragraph 3.1, if we can

11 just turn to that, please, which you will find on page 5

12 {KIN00024975/5}:

13 "I refer to the transcript of evidence that I gave

14 to the Inquiry on 9 December 2020, and in particular,

15 day 85 pages 71--77, when I was asked about some of the

16 emails exhibited to this witness statement as AP5/1.

17 I was then referred to the letter from Richard Burnley

18 to Clive Betts dated 6 July 2018 exhibited to this

19 witness statement as AP5/3, and to the July test

20 classification report. I was then asked 'Do you have

21 any reason to think that what was tested as per this

22 classification report was different from what was

23 discussed in the April emails we have been looking at?'

24 (Day 85, page 78, lines 7--10 of the transcript).

25 I replied, 'No, I think ...'

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1 "Although I had been asked by the Inquiry to reply

2 in writing, via witness statements, to several hundred

3 questions, no questions had previously been raised

4 specifically about the April 2018 emails and so I had

5 not reviewed them in detail previously and, under oral

6 questioning, I could not recall that there had been two

7 separate tests carried out in May and July 2018. I have

8 now had an opportunity to review the emails attached to

9 this witness statement and would like to correct my

10 evidence. The emails exhibited to this witness

11 statement as AP5/1 and AP5/2 are about the May test.

12 The information sent to Clive Betts in the letter dated

13 6 July 2018 is about the July test. The answer that

14 I gave while giving oral evidence in relation to the

15 question set out in paragraph 3.1 of this witness

16 statement is therefore incorrect."

17 Now, to be clear, when you say here at

18 paragraph 3.2, "The emails exhibited to this witness

19 statement as AP5/1 and AP5/2 are about the May test",

20 are you saying that they are only about the May test and

21 have nothing whatever to do with the July test?

22 A. I think the main thrust of those emails and discussions

23 was about the May test, the A2 test, rather than the G2

24 test.

25 Q. Well, we'll come to look at those emails again shortly.

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1 Can you confirm anyway for the purposes of clarity  
 2 that the two BS 8414 tests that we now know about, May  
 3 and July 2018, were the only tests that Kingspan had  
 4 undertaken using A1 and A2 cladding panels as part of  
 5 its testing of the linear route to compliance?  
 6 A. With a non-combustible insulation, yes.  
 7 Q. Yes.  
 8 You say that the May 2018 used Alucobond A2 panels  
 9 as the cladding and the July 2018 test used Vitracore G2  
 10 panels; yes?  
 11 A. That's correct, yes.  
 12 Q. Do you say that not once during detailed examination of  
 13 the topic when you gave evidence in December, you didn't  
 14 at all recall that the May 2018 test took place?  
 15 A. No, it just didn't come to me, unfortunately.  
 16 Q. Right.  
 17 When did you first recall that the May test had been  
 18 carried out?  
 19 A. I think probably when I got away from evidence and back  
 20 at work and I was told then that, you know, I'd missed  
 21 that May -- the May test, and so then I started to look  
 22 back at it and we decided, you know, we needed to do  
 23 another witness statement to correct that.  
 24 Q. Who told you that?  
 25 A. It was colleagues or the team, the team that I'm working

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1 with.  
 2 Q. Colleagues or the team that you were working with? Can  
 3 you tell me who reminded you of the May test when you  
 4 got back to --  
 5 A. It may have been our legal team, and said --  
 6 Q. Do you remember?  
 7 A. -- we need to correct this, we need to correct this  
 8 evidence.  
 9 Q. You say it may have been your legal team?  
 10 A. Yeah, I think it was.  
 11 Q. You think it was your legal team, right. When you say  
 12 your legal team, do you mean your independent solicitors  
 13 or do you mean a lawyer in-house at Kingspan?  
 14 A. I think it was the -- our independent legal team.  
 15 Q. Right.  
 16 When did this discussion take place, can you recall?  
 17 A. It might have been a few -- a week or so after giving  
 18 evidence. I had a few days off, and then I think it  
 19 might have been discussed then, and we needed to start  
 20 to look into it, and that's when we prepared the fifth  
 21 witness statement for January.  
 22 Q. Right. Did they show you any documents as part of the  
 23 refreshment by them of your recollection at that time?  
 24 A. The doc -- there was some documents already -- that one  
 25 document with the red email chain on was one I'd already

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1 submitted, and it was looking back at that where I could  
 2 see there that it does clearly state it was the A2 one,  
 3 but under -- on the day, I just couldn't recall it as  
 4 being a separate test.  
 5 Q. When you were reminded of the May test by your legal  
 6 team, did they show you any documents?  
 7 (Pause)  
 8 A. Just the ones that are attached to my witness statement.  
 9 Q. Those documents were documents that had not previously  
 10 been disclosed to the Inquiry, were they?  
 11 A. I wasn't aware of that. I thought certainly the one  
 12 with the red email writing on was one that had been  
 13 previously submitted.  
 14 Q. Did they show you any documents which had not to that  
 15 point been disclosed to the Inquiry?  
 16 A. I don't know whether they were disclosed or not, what  
 17 their status were at that time.  
 18 Q. So can we take it that although you had forgotten, you  
 19 say, the fact that the May test had taken place, your  
 20 legal team were aware of it?  
 21 A. Yes, yes, they would have been aware of it.  
 22 Q. Right.  
 23 Now, I don't want to ask you about communications  
 24 between you and your legal team, but can you explain to  
 25 us, to the best of your knowledge, why it was that

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1 Kingspan had not disclosed the documents about the May  
 2 test or which indicated in any way that a test in May  
 3 had gone ahead?  
 4 A. Well, they had, because they'd -- the documents you  
 5 showed me on that day actually were about that May test,  
 6 so certainly the one with the red email was really all  
 7 about the May test and not about the second test in  
 8 June. So that had already been submitted. It was my  
 9 failure to connect that at the time rather than the lack  
 10 of evidence.  
 11 Q. Do you say that the March and April emails relate to the  
 12 test done only in May 2018 and not at all to the July  
 13 test?  
 14 A. I can't quite remember the end of them, but certainly at  
 15 the beginning of them, at the early stages, certainly  
 16 the big chunk in red, that was all about the A2 test,  
 17 and the discussions with Nick Jenkins I remember being  
 18 brought to and the design of that test, all of that  
 19 discussion was around the A2 test. We didn't actually  
 20 discuss at all anything around the design and  
 21 installation processes of the G2 test, the second test  
 22 in June.  
 23 Q. You confirmed in your evidence last time that the March  
 24 and April emails we looked at, including the red  
 25 writing, related to the July test. Are you now saying

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1 that they related solely to the May test --  
 2 A. Yes.  
 3 Q. -- or that they related to -- you are saying that?  
 4 A. Yes, yes, they related to the May test.  
 5 Q. I see.  
 6 When you were reminded, when you got back to the  
 7 office after giving evidence and spoke to your legal  
 8 team, of the fact that the May test had gone ahead, did  
 9 you want to see any further documents about the May test  
 10 which showed when it had gone ahead and with what rig it  
 11 had gone ahead and what the results were?  
 12 A. Well, when I was reminded, when I got back, obviously  
 13 I started to recall exactly what happened, and in those  
 14 emails you can see the detail in that anyway. So that's  
 15 the evidence that we've got.  
 16 Q. Right. That's not quite an answer to my question. My  
 17 question was: did you want to see any further emails  
 18 that related to the May testing in the respects I've  
 19 identified?  
 20 A. I don't think I requested anything extra.  
 21 Q. Right.  
 22 Now, can we go to the April emails, {KIN00004658}.  
 23 Just to have them on the screen.  
 24 Do you recall that the linear route test was  
 25 originally planned for 10 May 2018?

1 A. I don't specifically recall that.  
 2 Q. Well, let's go to page 3 within this email run  
 3 {KIN00004658/3}, just to refresh your recollection once  
 4 again. This is part of the way through Nick Jenkins'  
 5 10 April email, which starts on page 3 halfway down and  
 6 then goes over the page.  
 7 It's towards the foot of page 3, do you see there is  
 8 a heading, "BS 8414 Test Proposal (Dubai)":  
 9 "To utilise the test slot booked by KIL on 10th May  
 10 available for a test on a system comprised of materials  
 11 'deemed to satisfy' BR 135."  
 12 So can you confirm that it's right that, in fact,  
 13 the linear route test was originally planned for  
 14 10 May 2018?  
 15 A. Yes, that looks correct.  
 16 Q. Yes, and it's right, isn't it, that in fact Kingspan  
 17 tested a system containing K15 as the insulation product  
 18 on 10 May 2018 at Exova Dubai, which was not a linear  
 19 route system?  
 20 A. Oh, I don't recall what was tested as K15 at the time.  
 21 Q. Let me help you. Can we go to {KIN00020869/7}. Now,  
 22 this is page 7 of appendix A to your second witness  
 23 statement, which we've looked at. I would like just to  
 24 show you box 15 at the very bottom of the screen you  
 25 have in front of you. It says there:

1 "10th May 2018. Exova. Kingspan Insulation ...  
 2 Alpolic A2 ACM BML 400. K15."  
 3 And then there is the BS 8414 report number and  
 4 date, and the classification report.  
 5 Now, that is not, is it, the linear route test the  
 6 subject of the March and April emails, is it?  
 7 A. I don't think so. To be certain, I'd need to look at  
 8 that DLR1558, but I don't think so.  
 9 Q. Have you been able to locate or have you seen any  
 10 documents or correspondence that shows that the test  
 11 planned for 10 May on the system the subject of the  
 12 March and April emails was then moved to 22 May?  
 13 A. No, I don't think so.  
 14 Q. We've seen no records at all in Kingspan's disclosure  
 15 showing how the May test was booked or paid for, or who  
 16 the attendees were to be, or how the materials were  
 17 shipped or any drawings of the test. Are you able to  
 18 explain why we haven't seen any such documents?  
 19 A. No, no, I'm not.  
 20 Q. Have you seen any such documents?  
 21 A. Into that detail about that, I don't think I have, no.  
 22 Q. Have you asked to see any such documents?  
 23 A. No.  
 24 Q. Why is that?  
 25 A. I didn't think I needed to.

1 Q. Right. Surely in correcting the evidence you gave last  
 2 time, so as to correct the record and ensure that  
 3 the Inquiry knows about the May test as opposed to the  
 4 July test, did it not occur to you that the Inquiry  
 5 might like to see all the documents showing how the test  
 6 was paid for, booked, who attended it, and what the  
 7 results were?  
 8 A. I think we provided everything that we've got which  
 9 would come under the search term, so I don't know what  
 10 else there is to show.  
 11 Q. Right. I see.  
 12 Would you or would Kingspan normally arrange a test,  
 13 pay for a test, and organise people to attend it,  
 14 without any documents at all showing those matters?  
 15 A. No, I'm sure those -- there will be documentation for  
 16 those tests.  
 17 Q. Yes.  
 18 Now, you can see, as I've shown you from the  
 19 schedule to your second witness statement, box 15, on  
 20 page 7, that the test that went ahead on 10 May in Dubai  
 21 was for K15 and Alpolic A2.  
 22 Can we go to {KIN00004658/1}. This is the April  
 23 email string we looked at a moment ago, and if we go to  
 24 page 1 of that, you can see that there is some  
 25 discussion about an Alpolic test.

1 If you go down, please, to halfway down page 1  
 2 there, you can see that Nick Jenkins writes on 13 April:  
 3 "A test slot for a part 1 test wall (Rig 2) at BRE  
 4 Watford has become available for our use commencing  
 5 23rd April.  
 6 "This was reserved for Tower Eight who I have been  
 7 dealing with in connection with re-clad solutions for  
 8 a number of their clients properties. This was  
 9 offer [sic] to us on the back of a meeting with them in  
 10 London yesterday.  
 11 "Any objections to taking advantage of this  
 12 serendipitous opportunity? It would save a small  
 13 fortune in airfreight and air fares."  
 14 If you go up to the next email back, there is  
 15 another email from Nick Jenkins, this time to you and  
 16 John Garbutt, dated 15 April, and he says -- and this is  
 17 also subject "Re: Linear Route Action Plan", copied to  
 18 Gene Murtagh and Gilbert McCarthy:  
 19 "Tower Eight on behalf of Whitbread have now decided  
 20 that they will be utilising their test slot after all.  
 21 So we remain focused on Plan A...  
 22 "As a result of my presentation yesterday, the test  
 23 that they will carry out using their pre booked slot  
 24 will now be an assembly combining K15 and ALPOLIC A2.  
 25 This will be to justify the retention of K15 as part of

1 the re-clad of multiple Premier Inns, changing the  
 2 existing PE panels to ALPOLIC A2."  
 3 Then at the very top of the email string, you can  
 4 see that you respond -- or perhaps reflect internally,  
 5 I think it's copied on, actually, to Adrian Brazier and  
 6 Adam Heath within Kingspan, subject "FW: Linear Route  
 7 Action Plan":  
 8 "Back to plan A!!"  
 9 Now, I show you that to prompt your recollection.  
 10 Is it right that you were at one stage going to use  
 11 Tower Eight's slot to do a linear route test, but then  
 12 they took up their slot, hence back to plan A in Dubai?  
 13 A. That looks like what the proposal from Nick Jenkins was.  
 14 Obviously he was in discussions with Tower Eight and it  
 15 would be an opportunity to save doing it in Dubai.  
 16 Q. I see.  
 17 Do you know why you proceeded yourselves then to do  
 18 a K15 and Alpolic A2 test in the 10 May slot instead of  
 19 the linear test that you had planned as plan A?  
 20 A. No, I think that was already on the programme to be done  
 21 with the Alpolic systems, so I think we'd already  
 22 committed to that.  
 23 Q. I see.  
 24 If that is so, can you explain, going back to the  
 25 bottom of page 3 {KIN00004658/3}, what then happened

1 when you see it says at the bottom of page 3, "To  
 2 utilise the test slot booked by KIL on 10th May"? Was  
 3 there a decision to keep the Alpolic and K15 test as per  
 4 the original schedule for 10 May and then find another  
 5 test slot for the linear route action plan test?  
 6 A. Which was in April, I think.  
 7 Q. No, which was on 22 May, as you've told us.  
 8 A. There was a test in April, I think, wasn't it? The A2  
 9 test was April.  
 10 Q. No.  
 11 A. Oh, was it May?  
 12 Q. Well, your evidence which you swore to this morning in  
 13 your fifth witness statement said there were two linear  
 14 route tests: one in May and one in July.  
 15 A. Yes, okay. Yes.  
 16 Q. What I'm seeking to get to the bottom of is how the date  
 17 for the 22 May test came about.  
 18 I've shown you the emails, which show you that the  
 19 10 May was in fact used for a K15 and Alpolic A2 test,  
 20 which was not the linear route test. Here we see the  
 21 proposal to use that slot for the linear route test, and  
 22 in the end the linear route test took place on 22 May.  
 23 My question is: what arrangements were made to fix  
 24 that test or get the slot for 22 May?  
 25 A. Oh, it would have been just with discussions with

1 Efectis and see what slots they'd got available.  
 2 Q. Were you involved in those discussions?  
 3 A. I think our guy who was in Dubai at the time,  
 4 Adrian Brazier, would have been liaising with  
 5 Nick Jenkins and with Efectis to see what slots they'd  
 6 got and I think that's how that came about.  
 7 Q. Did those arrangements or communications happen in  
 8 writing?  
 9 A. There would have been emails about that, I think, but  
 10 I can't quite recall right now, but I think there would  
 11 have been some discussion with Adrian Brazier about it.  
 12 Q. Right. Were you copied in on those emails or otherwise  
 13 party to them?  
 14 A. I was certainly copied in on some of the correspondence  
 15 between Nick Jenkins and Ade Brazier out there doing the  
 16 sort of final setting up, making sure the materials had  
 17 arrived there and drawings were ready. I remember  
 18 discussions of that being on email.  
 19 Q. Right. Have you or did you review those emails when  
 20 preparing to give your fifth witness statement?  
 21 A. Yes, I think I saw some on that, yes.  
 22 Q. You didn't exhibit any, did you?  
 23 A. No.  
 24 Q. Why is that?  
 25 A. I would assume they'd have been captured in the

1 evidence.  
 2 Q. Now --  
 3 A. -- the main thing.  
 4 Q. -- I will check this, but as I stand here I am told that  
 5 Kingspan have not produced those emails. Are you able  
 6 to explain why that is?  
 7 A. No, I can't.  
 8 Q. Was Nick Jenkins already in Dubai on 10 May, do you  
 9 know?  
 10 A. No, I don't know. I don't think he was, but I don't  
 11 know.  
 12 Q. Was he involved in the K15 testing that you undertook on  
 13 10 May using the Alpolic A2 panel?  
 14 A. I can't recall if Nick was there for that test or not.  
 15 Q. Right. He was involved, I think -- you have just told  
 16 us, but do confirm -- in the testing that took place on  
 17 22 May, which was the linear route test; yes?  
 18 A. That's correct, yes.  
 19 Q. Now, to be clear, at no time during your evidence on 7,  
 20 8 or 9 December 2020 or in any of your four previous  
 21 witness statements to the Inquiry did you mention  
 22 a linear route test being undertaken by Kingspan in  
 23 May 2018. Do you agree?  
 24 A. That's correct.  
 25 Q. Why is that?

1 A. Because it was the G2 test which proved the point that  
 2 we were trying to make about the relying on small-scale  
 3 testing, and it was that test that we then had a full  
 4 report for and then used as evidence to the select  
 5 committee and other consultations, not the A2 test.  
 6 Q. Yes. Did you choose not to refer to the May test?  
 7 A. I can't -- I don't recall it being a conscious decision  
 8 to choose not to.  
 9 Q. In answer to my question why you didn't refer to it in  
 10 your previous four witness statements or in any of your  
 11 evidence before, you said, in answer to the question  
 12 why, it was because it was the G2 test which proved the  
 13 point you were trying to make. My question, I'll put it  
 14 again, is: does that tell us that Kingspan had made  
 15 a conscious decision not to refer to or reveal the  
 16 existence of the May test?  
 17 A. I don't recall it being conscious or not, but we -- it  
 18 wasn't referred to.  
 19 Q. Now, as I've shown you, you do mention the July 2018  
 20 test or what you call the G2 test in your second witness  
 21 statement to the Inquiry at paragraph 12.3(c)  
 22 {KIN00020824/113} in October 2019. When you were  
 23 preparing that statement, casting your mind back, had  
 24 you not recalled that there was also an earlier test in  
 25 Dubai on 22 May 2018?

1 A. I think probably then I would have understood that and  
 2 recalled it, yes.  
 3 Q. Yes, and so therefore did you choose, when signing that  
 4 second statement, to make no reference to the May test  
 5 but only to refer to the July test?  
 6 A. Yes, I think we probably did, yes, I think I probably  
 7 did, because the G2 test is what we'd got the report on  
 8 and the evidence on to submit.  
 9 Q. So do I take it from that that you chose to refer to the  
 10 July test because it proved your point, but chose not to  
 11 refer to the May test?  
 12 A. Yes, I think that's correct.  
 13 Q. And you chose not to refer to the May test because it  
 14 didn't prove your point; would that be fair?  
 15 A. That's correct.  
 16 Q. Yes.  
 17 Now, in light of your new witness statement, we need  
 18 to look again, I think, at certain aspects of the March  
 19 and April emails and your evidence about it that you  
 20 gave on 9 December. I'm sorry for going back over old  
 21 ground, Mr Pargeter, but I think it's probably  
 22 necessary.  
 23 Can we start, please, by looking at your fifth  
 24 witness statement at paragraph 1.2 on page 1  
 25 {KIN00024975/1}. You say in paragraph 1.2:

1 "Both tests were carried out by Exova at their test  
 2 facility at Al-Futtaim in Dubai. The first test took  
 3 place on 22 May 2018 ('the May test'). The second took  
 4 place on 2 July 2018 ('the July test'). Both tests were  
 5 carried out with cladding systems including cladding  
 6 panels and insulation products rated either as limited  
 7 combustibility (A2) or non-combustible (A1) and  
 8 therefore deemed to be compliant with Approved  
 9 Document B of the Building Regulations for use over  
 10 18 metres under the linear route. For the avoidance of  
 11 doubt, neither of the systems tested in either the May  
 12 test or the July test incorporated Kingspan K15 or any  
 13 of the cladding or insulation materials used during the  
 14 Grenfell Tower refurbishment project."  
 15 Now, that's what you say.  
 16 Let's look at the March emails first. We saw them  
 17 before. They are at {KIN00004637}, please. You can see  
 18 that the title is "Ulster Tests/MHCLG Select Committee  
 19 Lobbying".  
 20 Can we go to page 3 {KIN00004637/3}, and look in the  
 21 middle of page 3, and you will see there an email of  
 22 2 March 2018 from Mark Harris to you as well as others,  
 23 including Gilbert McCarthy as a copied party. It  
 24 starts:  
 25 "Hi Adrian, John et al,

1 "It's clear that Kevin Hollinrake is still pretty  
 2 lukewarm about our draft letter/arguments to address  
 3 MHCLG select committee and MP concerns."  
 4 Pausing there, do you agree that this email chain,  
 5 starting with this email from Mark Harris about  
 6 Kevin Hollinrake MP's concerns, is where the testing of  
 7 a linear route system is discussed?  
 8 A. It is discussed in this email, yes.  
 9 Q. Yes. The reference in the first line there to a draft  
 10 letter or arguments to be put to the select committee,  
 11 what was that draft letter?  
 12 A. I think that was something that was being considered to  
 13 submit to the select committee.  
 14 Q. Right.  
 15 A. And Mark had had discussions with Kevin Hollinrake  
 16 around this.  
 17 Q. Right. Do you know whether that draft letter has been  
 18 produced to the Inquiry?  
 19 A. I don't.  
 20 Q. You don't.  
 21 Did the draft letter go to Kevin Hollinrake as  
 22 a draft for his comments?  
 23 A. I don't know.  
 24 Q. Was the draft letter an early draft or even an advanced  
 25 draft of the letter that ended up being sent to the

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1 select committee on 6 July 2018?  
 2 A. I couldn't confirm that. I would make that assumption  
 3 but I couldn't confirm that.  
 4 Q. Now, do you remember whether or not this was the first  
 5 time that the linear route system testing was discussed  
 6 within Kingspan?  
 7 A. I wouldn't have thought it was the first time, because  
 8 I'm being brought in here to sort of I think try and  
 9 make it happen, so I would assume that's been talked  
 10 about earlier.  
 11 Q. Right. We will come and look at some documents about  
 12 that perhaps shortly.  
 13 Can we then go back to the April emails which we saw  
 14 earlier, {KIN00004658/4}. These are all entitled  
 15 "Linear Route Action Plan", as we've seen. The first  
 16 email in this chain starts on page 4, and it's the one  
 17 with the red text. Can we go to that, please. It  
 18 starts at the bottom of that page, as you can see, and  
 19 it's from Mark Harris, dated 9 April 2018, to  
 20 John Garbutt, you, and a group of others, including  
 21 Nick Jenkins, copied to Gene Murtagh and  
 22 Gilbert McCarthy.  
 23 The first paragraph in this email refers to  
 24 a meeting in red letters that's taken place and it says:  
 25 "Hi all,

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1 "The objective of the discussion was to look closely  
 2 at potential issues related to use of the linear route  
 3 to compliance – in other words provide evidence to  
 4 demonstrate that the linear route approach has  
 5 weaknesses and full scale testing is essential for all  
 6 systems. We reviewed evidence currently available and  
 7 discussed how we can generate evidence for use in both  
 8 the political arena and with the Hackitt Review team."  
 9 Just pausing there, do you remember that on  
 10 9 December 2020 I asked you what discussion was being  
 11 referred to and you answered that you couldn't recall  
 12 that discussion? Do you remember that?  
 13 A. Yes, I do.  
 14 Q. Yes, and just for your reference, that's at  
 15 {Day85/51:22}.  
 16 Now, on 10 March this year, so within this month,  
 17 the Inquiry received some 530-odd documents from  
 18 Kingspan following the Inquiry's request for disclosure.  
 19 Included in that disclosure was your diary entry for  
 20 9 April 2018. Can we look at that, that's  
 21 {KIN00025428}. Can you confirm that this is your diary  
 22 entry relating to 9 April 2018?  
 23 A. Yes, that looks like a diary entry, yes.  
 24 Q. If you look towards the bottom of the screen, you can  
 25 see:

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1 "Required Attendees: John Garbutt; Cook Phil  
 2 [Phil Cook] ... Adrian Pargeter; Roy Weghorst;  
 3 Tony Ryan."  
 4 Does that tell us that there was a meeting on that  
 5 date?  
 6 A. Yes, I think there would have been a meeting on that  
 7 date, yes.  
 8 Q. And you can see at the top of the page:  
 9 "Subject: Conf call – Linear route compliance  
 10 discussion/testing programme.  
 11 "Location: KIP – RM EC Boardroom (Holywell)."  
 12 Is KIP Kingspan Pembridge?  
 13 A. No, it's Kingspan Panels.  
 14 Q. Then RM, is that "room"?  
 15 A. I would assume so, it's their room location sequence in  
 16 Holywell.  
 17 Q. I see.  
 18 A. -- in Holywell.  
 19 Q. I see.  
 20 Now, let's go back to Mark Harris' email of 9 April  
 21 at {KIN00004658/4}. At the very, very bottom of the  
 22 screen, bottom of the page, he says:  
 23 "Notes and actions as follows ... "  
 24 And then if we turn to page 5 {KIN00004658/5}:  
 25 "1. Data from failed BS 8414 tests. We are aware

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1 of at least 2 BS 8414 tests comprising only non—/limited  
 2 combustible materials that have failed to meet BR135  
 3 criteria . Key reasons for the failures are believed to  
 4 be associated with the A2 cassette  
 5 type/robustness/geometry and/or the combustibility of  
 6 the mineral fibre insulation system (binder  
 7 content/presence of polyethylene adhered aluminium  
 8 foil ). However, we do not have access to the reports or  
 9 any rights to make this information public. Actions —  
 10 Test Alucopanel A2 material in bomb calorimeter to  
 11 determine heat release (NJ has sample). Also test  
 12 Vitracore A2 honeycomb in bomb calorimeter. This  
 13 testing is for information only at this stage.”  
 14 Then under item 2, which is particularly important,  
 15 we looked at this last time in detail , Mr Pargeter,  
 16 we'll look at it again:  
 17 "KIL has 3 upcoming slots at Exova in Dubai and has  
 18 agreed to make a slot on 10th May available for a test  
 19 on a system comprised of materials 'deemed to satisfy'  
 20 BR 135. Discussion during the meeting identified the  
 21 following test proposal for a configuration that has the  
 22 potential to fail BR 135 criteria ... ”  
 23 Note the words "potential to fail":  
 24 "a. BS 8414 Part 2.  
 25 "b. Mmmf duoslab insulation."

1 Just pausing there, "mmmf" is man—made mineral  
 2 fibre, isn't it?  
 3 A. Correct.  
 4 Q. "c. 38mm ventilated cavity.  
 5 "d. Alucobond A2 ACM cassettes (with 'weak'  
 6 structural specification )  
 7 "e. Cavity barriers included.  
 8 "Actions — NJ to create drawing of A2 cassette  
 9 assembly that could perform poorly [note that]. Also  
 10 arrange fabrication .  
 11 "Detailed test specification to be developed and  
 12 agreed by all .  
 13 "AP ..."  
 14 Is that Adrian Pargeter?  
 15 A. Yes.  
 16 Q. "NJ", Nick Jenkins, yes? Yes.  
 17 "... to arrange materials for test on 10th May in  
 18 Dubai.  
 19 "KIP/KIL to share costs."  
 20 Is that Kingspan Panels/Kingspan Limited?  
 21 Kingspan Insulation?  
 22 A. Kingspan Insulation Limited, yes.  
 23 Q. I see. "MH/AP", and "MH" is Mark Harris and "AP" is  
 24 you; yes?  
 25 A. Yes.

1 Q. Yes.  
 2 Now, I've shown you that, we'll come back to it.  
 3 I then read you the last paragraph of this email on  
 4 page 6 {KIN00004658/6}, if we can go to that, and I'll  
 5 read it to you again. At the top of the screen, it  
 6 says:  
 7 "I thought we had an extremely useful session this  
 8 morning with actions that could deliver some very  
 9 valuable evidence to support the need for full scale  
 10 testing of all systems and demonstrate that materials  
 11 that are 'deemed to satisfy' the linear route do not  
 12 automatically meet BR135 criteria when tested full scale  
 13 to BS 8414."  
 14 You agreed in your evidence last time that this was  
 15 indeed the purpose of the testing; do you recall that?  
 16 A. That's correct.  
 17 Q. Yes, and that's {Day85/58:2—4}.  
 18 We then went back to the middle of page 5  
 19 {KIN00004858/5} — and I'm reminding you of what  
 20 happened last time in your evidence. If we go back to  
 21 the middle of page 5, we went through in detail the  
 22 weaknesses and the poor assembly that was being proposed  
 23 for that test, and you call that test — I'm summarising  
 24 your evidence, so please forgive me — a worst—case  
 25 scenario. Do you remember that?

1 A. Yes, that's correct.  
 2 Q. Yes, and do you still maintain that: it was a worst—case  
 3 scenario kind of test? That's correct?  
 4 A. — the A2 test, the May test, yes.  
 5 Q. Yes.  
 6 We then looked up at Mark Harris' email of 10 April,  
 7 which one sees on page 3 {KIN00004658/3}. If we go from  
 8 page 5 to page 3 — I'm sorry to do this in this order,  
 9 but this is how it went chronologically — you can see  
 10 that that set out the test programme under "BS 8414 Test  
 11 Proposal (Dubai)". And that said — and I've shown you  
 12 this a little bit earlier this morning, let's look at it  
 13 again:  
 14 "To utilise the test slot booked by KIL on 10 May  
 15 available for a test on a system comprised of materials  
 16 'deemed to satisfy' BR 135. AP has advised that we need  
 17 to get the full set of panels and components to  
 18 Pembridge to be packaged for air freight to Dubai by the  
 19 end of the day on Friday 13th April this week. This  
 20 represents a challenge but is not impossible."  
 21 Then if we go over the page {KIN00004658/4}, you can  
 22 see there are various different things to be done, and  
 23 under item b:  
 24 "We have some Alucobond A2 in stock from which we  
 25 can fabricate the panels."

1 Then d:  
 2 "Siderise have recommended we use the Envirograph  
 3 cavity barrier products. These meet regs requirements  
 4 but their performance is expected to be poor. We will  
 5 not utilise panel inserts but attempt to cut the cavity  
 6 barriers to suit the geometry of the panels this will  
 7 further weaken their performance.  
 8 "e. The panel system as drawn is expected to  
 9 perform badly in spite of being A2 as it relies on  
 10 bonded stiffeners and extrusions for its structural  
 11 stability. The panel is not fixed on its vertical edges  
 12 and the bonded connection are expected to deteriorate  
 13 and fail quickly in the BS8414 test. The way the  
 14 internal corner is detailed will allow the flames to  
 15 bypass the vertical cavity barriers and attack the  
 16 cavity of the wing wall.  
 17 "f. The vertical joint is ventilated and the fire  
 18 will enter the assembly through this baffled joint.  
 19 "g. The horizontal joint is ventilated and the fire  
 20 will enter the assembly through this baffled joint."  
 21 As I said to you before, and you agreed that you  
 22 did, you confirmed that that was the proposed test that  
 23 was the one that had gone ahead on 2 July, and I showed  
 24 you the passage.  
 25 Now --

1 A. That was incorrect.  
 2 Q. You say now that that was incorrect.  
 3 A. Yes, that was --  
 4 Q. Can we --  
 5 A. That went ahead in May.  
 6 Q. Right.  
 7 Can we please look at paragraph 2.7 of your fifth  
 8 witness statement, which I think expands on what you  
 9 have just said to us just now, page 4 of your statement  
 10 {KIN00024975/4}, 2.7:  
 11 "The system was tested on 22 May 2018 in accordance  
 12 with BS 8414 by Exova and, in fact, it passed the  
 13 criteria set out in BR 135. I refer to the email which  
 14 I sent at 06.07 on 22 May 2018 which sets out the  
 15 preliminary results of the test. Kingspan did not  
 16 commission a test report. In this particular case the  
 17 limited design 'imperfections' had not adversely  
 18 affected the overall performance of the system enough to  
 19 mean that the system failed the test. We decided to  
 20 test a different system using the test slot booked on  
 21 2 July 2018."  
 22 Now, just to ask the question again: why did you  
 23 fail when giving evidence last time to mention that  
 24 in fact there had been two linear route systems tested,  
 25 first in May and then in July?

1 A. Just simply because I just could not recollect it on the  
 2 day. My powers of recollection --  
 3 Q. Right. Indeed you make that point --  
 4 A. Sorry?  
 5 Q. I'm sorry, I interrupted you. I'm so sorry,  
 6 Mr Pargeter. You said, "My powers of recollection".  
 7 Did you want to continue?  
 8 A. Deserted me for that section of the --  
 9 Q. Right.  
 10 A. -- evidence.  
 11 Q. You say in your witness statement at paragraph 3.2  
 12 {KIN00024975/5} that you couldn't recall the May test.  
 13 I have to ask you: is that really true?  
 14 A. Well, yes, it is absolutely true, because, I mean, it  
 15 was far more beneficial if I had have remembered it,  
 16 because we could have cleared up the later accusation  
 17 around misleading the select committee, so --  
 18 Q. How much --  
 19 A. -- just a genuine -- I just couldn't recall it.  
 20 Q. From recollection, how much had the May test cost in  
 21 total, including freight, design, supply costs and  
 22 things of that nature?  
 23 A. I don't recall exactly.  
 24 Q. Do you know which budget it came from?  
 25 A. I think it would have been a shared budget between

1 ourselves and Mark Harris' budget.  
 2 Q. Yes, and we saw a bit of that in the email, didn't we?  
 3 A. Yes.  
 4 Q. Yes.  
 5 Who had authorised the spend on the May test? Was  
 6 that a combination of you and Mark Harris?  
 7 A. Yes, that's correct.  
 8 Q. Do you know who had arranged the test to be moved from  
 9 its 10 May slot to the 22 May slot?  
 10 A. No, I don't recall why that moved from the 10th. It may  
 11 be because we were struggling to get the materials there  
 12 on time and we moved it to the 22nd to make it more  
 13 feasible. I don't recall the detail.  
 14 Q. Was there not a degree of surprise or perhaps  
 15 disappointment within Kingspan that, after spending so  
 16 much time and money on this test, it in fact passed?  
 17 A. I think there was a little bit of surprise, yes, and  
 18 a bit of disappointment, I'd agree, yes, because from  
 19 what we'd seen from other evidence of other tests, that  
 20 was quite likely to really struggle in the test, but it  
 21 passed, so ...  
 22 Q. Yes. Was it not also very inconvenient that your  
 23 attempt at poor performance, as is said in the April  
 24 emails, had failed so that, as we will see, you had to  
 25 try again? Was that not very inconvenient?



1 A. Yes, it was, we wanted -- we'd have to try another route  
 2 that we'd identified as a potential.  
 3 Q. Would I be right in thinking that the unexpectedly  
 4 successful result of the May test, that dealt something  
 5 of a blow to your case that 8414 system testing was the  
 6 only reliable way to ensure fire safety rather than  
 7 relying on the use of non-combustible products?  
 8 A. Sorry, what was the question there?  
 9 Q. Well, the fact that the May test passed must have dealt  
 10 a blow to your case that 8414 system testing was the  
 11 only reliable way of ensuring fire safety?  
 12 A. It meant we didn't have any empirical evidence we could  
 13 use. We knew of anecdotal evidence which we couldn't  
 14 use.  
 15 Q. But now --  
 16 A. We wanted to generate and have empirical evidence to  
 17 prove the anecdotal, and it didn't do that, so we didn't  
 18 use it.  
 19 Q. Yes, and I'm suggesting that was a bit of a blow because  
 20 you didn't have empirical evidence to back up your  
 21 argument?  
 22 A. It was -- yes, it was a disappointment, yeah.  
 23 Q. Yes, a disappointment.  
 24 Does it remain your evidence that, despite your  
 25 involvement in setting up the test, the money spent on

1 it, in which you were involved, the surprise and  
 2 inconvenience of the test passing and the blow that it  
 3 dealt to your case message, you'd never recalled the  
 4 successful May test when you were giving evidence on  
 5 9 December?  
 6 A. No, I didn't. I didn't recall it.  
 7 Q. I have to suggest to you that that's not really  
 8 credible, is it?  
 9 A. Well, what other reason would I have for withholding  
 10 that? It doesn't make sense. I genuinely didn't recall  
 11 it. It would have been far better if I had have  
 12 recalled it at the time.  
 13 Q. You ask a rhetorical --  
 14 A. There's no --  
 15 Q. Sorry, you started speaking again as I was about to ask  
 16 my next question. Do you want to --  
 17 A. I was going to say there's no advantage to us, no  
 18 purpose for us, for me forgetting about that at all.  
 19 Q. You see, you ask a rhetorical question: what other  
 20 reason would I have for withholding it? One reason  
 21 might be that you had never hitherto, to that point,  
 22 mentioned even the existence of the May test and the  
 23 blow that it dealt to your case, let alone disclosed any  
 24 documents about it. That would be a good reason for not  
 25 mentioning it when you were giving evidence, wouldn't

1 it?  
 2 A. No, I wouldn't have thought -- I wouldn't have thought  
 3 that, no.  
 4 Q. What was your reaction when the May test passed,  
 5 Mr Pargeter?  
 6 A. I think it was we'd got a plan B, which was the G2 test,  
 7 so it was on to plan B.  
 8 Q. Yes, and we will see an email shortly where that  
 9 expression, "plan B", is used.  
 10 Can you remember what the reaction of your team was?  
 11 A. They just phoned me, I think Adrian Brazier phoned me  
 12 and said -- or may have sent me an email, I can't quite  
 13 recall, but just said, looking at the early results on  
 14 this, because we can tell before we get the official  
 15 details whether it's passed or -- looking at the early  
 16 results, this looks like it passed, and so, you know, it  
 17 passed.  
 18 Q. I see. He told you that he had early results, did he?  
 19 A. Well, he was at the test, so he could tell if it had  
 20 failed or if it passed.  
 21 Q. Tell from --  
 22 A. His indication -- his thoughts were it would have  
 23 passed, because it didn't -- it wasn't terminated early  
 24 or anything like that.  
 25 Q. Right.

1 Did you have a meeting after the news was received  
 2 of the test pass?  
 3 A. I can't specifically recall a meeting, but we certainly  
 4 exchanged emails.  
 5 Q. Exchanged emails? Yes. You're nodding. I think you  
 6 have to say yes.  
 7 A. Oh, sorry, yes, exchanged emails.  
 8 Q. Do you remember whether you discussed the result of this  
 9 May test with Gene Murtagh?  
 10 A. I didn't personally.  
 11 Q. You didn't personally; do you know whether anybody else  
 12 involved in the test did?  
 13 A. I couldn't confirm.  
 14 Q. Did you discuss the result with Gilbert McCarthy?  
 15 A. I didn't, no.  
 16 Q. Again, do you remember whether anybody else in your team  
 17 did?  
 18 A. No, I don't know.  
 19 Q. Did you discuss the result of this successful test with  
 20 Richard Burnley?  
 21 A. Yes, I think we -- I would have discussed that with  
 22 Richard Burnley, yes.  
 23 Q. I see. Did you discuss it with him by telephone or in  
 24 writing?  
 25 A. Oh, I can't recall. Certainly would have been via

1 a conversation on the phone, possibly by email, but  
 2 certainly would have been on the phone.  
 3 Q. Right. What about John Garbutt, did you discuss it with  
 4 him?  
 5 A. Yes, John Garbutt would have been aware of it as well.  
 6 Q. What, telephone, email, can you tell us what the medium  
 7 of the communication was?  
 8 A. Not specifically, but again, I mean, I think John would  
 9 have been copied in on an email, I think there may have  
 10 been an email from me to say -- going out to that team  
 11 that -- in that -- it's John Garbutt and maybe  
 12 Mark Harris to say that the test has passed, we've got  
 13 to move on to plan B.  
 14 Q. Yes. We will come to that in just a moment. You're  
 15 right, there is an email to that effect and it's  
 16 exhibited to your fifth statement.  
 17 Do you remember discussing the failed fail, as it  
 18 were, the success, with Nick Jenkins?  
 19 A. Not specifically.  
 20 Q. Did Nick Jenkins not share his thoughts with you on why  
 21 he thought the test had passed given the number of  
 22 weaknesses that he'd introduced?  
 23 A. No, not that I can recall, that he gave any detail on  
 24 that, no.  
 25 Q. Did you not want to know?

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1 A. Not really, because, you know, we were aware of the  
 2 design, and it had passed. I think there was nothing  
 3 more to know, really.  
 4 Q. Right. Were you not curious to know why it was that,  
 5 given the number of weaknesses that you had introduced  
 6 into the system so as to enhance its risk of failing or  
 7 poor performance, to use your words or the words at the  
 8 time, in fact the test had passed?  
 9 A. No, it just did pass. I think it'd be hard to know --  
 10 to analyse exactly why it did pass. Bit difficult to  
 11 analyse why something might pass. It may be a bit  
 12 easier to analyse why something might fail, but because  
 13 it passed, it was just, it passed.  
 14 Q. I see.  
 15 Now, we know there was no test report commissioned  
 16 for the May test. Was that a result of a decision not  
 17 to seek one?  
 18 A. Yes, I think so. We didn't need it, it was not of any  
 19 value to us, so we didn't commission a test report.  
 20 Q. Do you know who made the decision not to commission such  
 21 a report?  
 22 A. No, no, I think because it was a BML system,  
 23 a Booth Muirie cladding system, we thought that maybe  
 24 Booth Muirie might have some value in the test, so --  
 25 and a test report being a pass might have had some value

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1 to them, but they -- I don't think they needed it, so we  
 2 just decided not to pursue it.  
 3 Q. When you say a Booth Muirie cladding system, do you mean  
 4 one designed by Nick Jenkins?  
 5 A. Yes.  
 6 Q. Yes, I see.  
 7 Is the reason why you commissioned no test report  
 8 for the successful May test that you were only  
 9 interested in having a record of failure for this test,  
 10 not a record of success?  
 11 A. Well, we were only interested in a report -- a failure,  
 12 because that's what we needed to provide the empirical  
 13 evidence, and so we didn't need a pass report.  
 14 Q. I understand that, and is the not needing a pass report  
 15 for that reason the reason why you didn't commission  
 16 one?  
 17 A. Yes, there was no need for one.  
 18 Q. Is it right that a record of success would damage your  
 19 argument that even systems containing non-combustible  
 20 products could fail a BS 8414 test?  
 21 A. I don't think it would damage it, because there are  
 22 probably other systems out there that have been tested  
 23 and have been fine, so I don't think it would have  
 24 damaged it necessarily.  
 25 MR MILLETT: Mr Chairman, I'm four minutes away from

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1 1 o'clock and I'm going to change topic. It's unlikely  
 2 that I'm going to get through the topic before  
 3 a convenient moment.  
 4 SIR MARTIN MOORE-BICK: Well, it might be more sensible just  
 5 to stop now, then, mightn't it, Mr Millett?  
 6 MR MILLETT: I think it would. I'm hesitant to stop  
 7 a little early.  
 8 SIR MARTIN MOORE-BICK: I know you don't like doing that,  
 9 I know that, but it can sometimes be the better course,  
 10 and I don't suppose Mr Pargeter is going to complain  
 11 about having an extra three minutes for lunch.  
 12 Mr Pargeter, we're going to stop there now so we can  
 13 all get some lunch. We will resume, please, at  
 14 2 o'clock. I'm sure you remember this, but I'm going to  
 15 say it to you again: please don't talk to anyone about  
 16 your evidence or anything relating to it over the break.  
 17 All right?  
 18 THE WITNESS: Of course, yes.  
 19 SIR MARTIN MOORE-BICK: Thank you very much. We will see  
 20 you at 2 o'clock, then. Thank you.  
 21 THE WITNESS: Thank you.  
 22 SIR MARTIN MOORE-BICK: Thank you.  
 23 (12.57 pm)  
 24 (The short adjournment)  
 25 (2.00 pm)

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1 .

2 SIR MARTIN MOORE—BICK: Good afternoon, everyone. Welcome

3 back. We're now going to continue hearing the evidence

4 of Mr Pargeter. I'll just check that the communications

5 have been established.

6 Mr Pargeter, good afternoon, can you see me and hear

7 me all right?

8 THE WITNESS: Yes, sir, yes, I can.

9 SIR MARTIN MOORE—BICK: Good, thank you very much. All

10 ready to go on, I take it?

11 THE WITNESS: Yes.

12 SIR MARTIN MOORE—BICK: Thank you.

13 Then, Mr Millett, when you're ready.

14 MR MILLETT: Thank you very much, Mr Chairman.

15 Mr Pargeter, good afternoon.

16 I would like now to go to the email of 22 May 2018

17 that you refer to in paragraph 2.7 of your statement we

18 saw before the break. That email is at {KIN00024929}.

19 It's from you to John Garbutt, Richard Burnley,

20 Gwyn Davies, Peter Wilson, Roy Weghorst and Mark Harris,

21 and the subject is "Non com test".

22 Does the subject "Non com test" refer to -- well,

23 you tell me: what does that refer to?

24 A. It refers to the May test in Dubai, the 22nd.

25 Q. What does "Non com" mean?

1 A. Non-combustible.

2 Q. Non-combustible, right. You say:

3 "Guys

4 "I have had confirmation from the guys in Dubai that

5 the A2/RW test was a pass, peak temps around 400 and no

6 flaming from the ACM.

7 "A new Plan B is to get the G2 out to [Dubai] where

8 we can convert from Cassette to flat panel, similar

9 sizes to DCLG testing, Nick has confirmed there is

10 enough material to do this.

11 "The next test slot we can use is 24th June for

12 start of build and burn 2nd of July. This is the

13 fastest way we can get another test.

14 "If all in agreement I recommend we proceed ASAP."

15 Now, was 22 May the date of the test itself?

16 A. I think so, yes.

17 Q. The recipient list here we can see is different from the

18 recipient list on the April emails, isn't it?

19 A. Yes, it is.

20 Q. Why is that?

21 A. Because I was just mainly copying in the people at my

22 division and then ensuring Mark Harris, who was the

23 sort of Panels contact, to ensure he knew as well. But

24 he probably would have got the same information possibly

25 from Nick anyway, but I just included him to make sure

1 he got the same information.

2 Q. We saw from the March and the April emails that

3 Gene Murtagh and Gilbert McCarthy were included on

4 those, but they weren't included on this one. Why was

5 that?

6 A. I would very infrequently -- very rarely copy in Gene

7 particularly or Gilbert. I would probably leave that to

8 Mark or Roy to make contact with them. I wouldn't

9 normally copy them in to things.

10 Q. Why did you copy them in to the March and April emails

11 if you only did so so very rarely?

12 A. I didn't copy them in. They would have been in from the

13 start of that email chain, which I believe Mark Harris

14 generated.

15 Q. I see. Right. Why did Mark Harris, do you think, or to

16 the best of your knowledge and recollection, include

17 them in the email chains?

18 A. I guess he'd had discussions with them before about the

19 plan to do some testing and that's why they were copied

20 in.

21 Q. I see.

22 From your own perspective, was this testing so

23 important that Gene Murtagh and Gilbert McCarthy, who

24 were really at the very top of Kingspan Global, should

25 know about the details?

1 A. I think they would have known about the details, but

2 I didn't think that it was to me to pass that on. There

3 were other people on that list there who would have had

4 the direct communication, Peter Wilson particularly, and

5 Mark, with anybody else who needed to know.

6 Q. Why did you include Richard Burnley in this email when

7 he hadn't been copied in on the March and April emails,

8 do you know?

9 A. I included him because obviously I reported to Richard,

10 so he was aware of what we were testing out in Dubai, so

11 he was on my email out when we got the results.

12 Q. You say, "he was aware of what we were testing out in

13 Dubai", so was he aware of the 22 May test?

14 A. I believe, so yes.

15 Q. How soon before the 22 May test do you remember he was

16 aware of that?

17 A. I couldn't put a date on that. It would have been

18 following those April emails, like you say, where he

19 wasn't copied in, we'd have had discussions about what

20 activities me and my team were doing. So it would have

21 been obviously between those two, but I couldn't give

22 you a --

23 Q. Were those discussions held by telephone or in writing

24 in some way?

25 A. Could be face-to-face, I couldn't tell you precisely.

1 Q. Do you remember whether you communicated with  
 2 Richard Burnley before the 22 May test about the 22 May  
 3 test in writing?  
 4 A. Oh, I can't recall. Possibly, but I can't recall.  
 5 Q. Right.  
 6 Were all the recipients of this email familiar with  
 7 what the expression "Non com test" meant?  
 8 A. I would have assumed so.  
 9 Q. Right. What about Richard Burnley, would he have heard  
 10 it before or seen it?  
 11 A. I would have assumed so, but I couldn't categorically  
 12 say it.  
 13 Q. Do you remember before this email sending him an email  
 14 or seeing an email in which he was copied which referred  
 15 to "Non com test"?  
 16 A. Not specifically, no.  
 17 Q. By the time of this email -- I think you have told us  
 18 yes, but just confirm for me -- did Richard Burnley know  
 19 about the strategy to conduct linear tests?  
 20 A. Yes.  
 21 Q. Did he know that, as part of that strategy, the strategy  
 22 for the May test was to introduce design imperfections  
 23 that we saw in the 9 and 10 April emails?  
 24 A. I couldn't comment on the detailed knowledge that  
 25 Richard would have had.

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1 Q. In general, then, leaving aside the detail, is it your  
 2 recollection that Richard Burnley, by the time of this  
 3 test, would have known that the strategy was to test  
 4 a system which contained deliberate design  
 5 imperfections?  
 6 A. I couldn't confirm. No, I couldn't confirm.  
 7 Q. Right.  
 8 You say you have had confirmation from the guys in  
 9 Dubai; was that Exova, the guys in Dubai?  
 10 A. No, I think it would have been my guys, so I think it  
 11 might have been Adrian Brazier.  
 12 Q. I see. Who else? Who else are your guys?  
 13 A. Well, it would have been Adrian was the main one, and  
 14 then of course we've got Nick Jenkins who -- I can't  
 15 recall if Nick was there specifically, but if he was,  
 16 I'd have been referring to Nick as well.  
 17 Q. I see, okay.  
 18 How did the confirmation that you refer to in this  
 19 email come to you?  
 20 A. I think a telephone conversation.  
 21 Q. We can see the time that you sent this email: 06.07.11.  
 22 Is that right, just after 6.00 am on 22 May; yes?  
 23 A. Yes. I'm not sure what time that would have been in  
 24 Dubai, so I think --  
 25 Q. They're four hours ahead of Pembridge.

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1 A. So 10 o'clock. Yes, 10 o'clock. That would make sense  
 2 then. I'd have had a call off Adrian to say what the  
 3 results were.  
 4 Q. Right. Would that call have come to you presumably --  
 5 is this right? -- in the morning of 22 July, but before  
 6 6.07 am?  
 7 A. Yes, just before, I would have thought.  
 8 Q. Did it wake you up?  
 9 A. I can't recall. I think we probably were waiting to see  
 10 what the result of the test was, so I'm quite frequently  
 11 awake at that time anyway, so ...  
 12 Q. Right. Had you left a message or sent a communication  
 13 to either Adrian Brazier or Nick Jenkins to ring you as  
 14 soon as they knew the outcome of the test?  
 15 A. I think I would have done, yes.  
 16 Q. Would you have done that in writing?  
 17 A. I don't recall whether I did it in writing or not.  
 18 Q. You see, we can see no record in your disclosure of any  
 19 communications between your guys in Dubai and you about  
 20 the results of this test.  
 21 Is it right that there is absolutely nothing in  
 22 writing?  
 23 A. I can't recall. I don't think there is, but  
 24 I remember -- I recall it being a phone call, so I don't  
 25 think there is.

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1 Q. Right.  
 2 Now, if you go to the second paragraph of this  
 3 email, you say:  
 4 "A new Plan B is to get the G2 out to [Dubai] where  
 5 we can convert from Cassette to flat panel ..."  
 6 I just want to ask you about that new plan B.  
 7 The G2 that you refer to there, is that the  
 8 Vitracore G2 honeycomb material?  
 9 A. It is, yes.  
 10 Q. That's the material that in fact in the end you did use  
 11 in the 2 July test; yes?  
 12 A. That's correct.  
 13 Q. And the Nick that you refer to in the next line, that's  
 14 Nick Jenkins, is it?  
 15 A. Correct.  
 16 Q. Is he the person who had designed and built or helped  
 17 build the May test rig?  
 18 A. Correct.  
 19 Q. Is it right he was also involved in building or  
 20 designing the rigs for the DCLG tests that had taken  
 21 place after the fire at Grenfell Tower in I think it was  
 22 July and August of 2017?  
 23 A. I think Nick was involved in that, yes.  
 24 Q. Did he also design and help to build the July test rig?  
 25 A. Yes, he did.

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1 Q. So after the May test had passed, is this right: the  
 2 plan was to move to plan B and test again in the 2 July  
 3 slot?  
 4 A. Correct, yes.  
 5 Q. Is it right that you wanted to do a further test because  
 6 your May test, having succeeded in meeting BR 135  
 7 criteria, had failed to provide you with the test  
 8 evidence that you needed to support Kingspan's case and  
 9 arguments?  
 10 A. That's correct.  
 11 Q. Did you already have the 2 July 2018 slot pre-booked  
 12 before 22 May?  
 13 A. I can't recall. We might have done, we were doing some  
 14 testing in Dubai anyway, but it might have been while  
 15 they were there they'd booked that.  
 16 Q. Right. Was it originally booked for some other kind of  
 17 test and then the test was swapped out and the 2 July  
 18 test swapped in?  
 19 A. Oh, I can't recall.  
 20 Q. You say in the email, going back to it, if you would,  
 21 just below halfway down:  
 22 "The next test slot we can use is 24th June for  
 23 start of build and burn 2nd of July. This is the  
 24 fastest way we can get another test."  
 25 Was the urgency here that you needed the failed or

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1 poor test data in order to advance your argument to the  
 2 select committee?  
 3 A. I think certainly to advance the argument.  
 4 I wouldn't -- I don't think I'd have understood that it  
 5 was specifically for the select committee, but it was  
 6 certainly to advance the argument.  
 7 Q. Right.  
 8 You say, "This is the fastest way we can get another  
 9 test"; what was the need for speed?  
 10 A. Well, because we were keen to get that evidence.  
 11 I think we'd got the consultation, Government  
 12 consultation, we wanted to try and get the information  
 13 in for. So there was an urgency there.  
 14 Q. Right. Your deadline for that, do you remember what  
 15 that was, roughly?  
 16 A. I don't.  
 17 Q. At all events, is this right: you wanted another test,  
 18 a plan B test, as soon as possible so that you could get  
 19 your arguments in as part of what you call the  
 20 Government consultation; yes?  
 21 A. Yes.  
 22 Q. Yes.  
 23 To be absolutely clear, is it right that the purpose  
 24 of the July test was the same as the purpose of the May  
 25 test?

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1 A. The purpose as to -- to test a system that would be  
 2 compliant by the linear route that could then fail, yes.  
 3 Q. Yes, thank you.  
 4 Now, the email starts "Guys" and launches straight  
 5 into its subject. Do you remember whether there was  
 6 a discussion with any of those email recipients before  
 7 you sent it?  
 8 A. No, I would doubt it.  
 9 Q. Right.  
 10 When you sent it, what assumptions did you make  
 11 about those who were receiving it knew what you were  
 12 talking about?  
 13 A. I just -- I knew they were aware that we were testing,  
 14 so I knew they'd understand what the email said.  
 15 Q. And that includes Richard Burnley, does it?  
 16 A. Yes.  
 17 Q. Yes.  
 18 Now, you ask at the end of the email, let's look at  
 19 it:  
 20 "If all in agreement I recommend we proceed ASAP."  
 21 Did you receive the agreement you were recommending?  
 22 A. I think there was an email from Peter Wilson agreeing to  
 23 proceed, and then I can't recall if there's any other  
 24 written confirmation, but there may be, but --  
 25 Q. You recall an email, do you, from Peter Wilson saying

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1 "Proceed", do you?  
 2 A. I think so.  
 3 Q. Right. I'm not sure the Inquiry has seen that email.  
 4 A. Okay.  
 5 Q. You didn't exhibit it, did you?  
 6 A. No, I didn't.  
 7 Q. When you were swearing your fifth witness statement, did  
 8 you ask to see all email correspondence pertaining to  
 9 this arrangement to have the July test?  
 10 A. Not at the time of doing the statement, no. I've seen  
 11 emails since obviously, and that's why I think -- I've  
 12 got this recollection of a response from Peter Wilson.  
 13 Q. Did you have any involvement yourself in deciding what  
 14 documents you should see and consider for exhibiting to  
 15 your fifth witness statement?  
 16 A. Yes, I had some input into that, yes.  
 17 Q. You did. Can you explain why -- well, did you ask to  
 18 see all email correspondence relating to the  
 19 arrangements for the July test?  
 20 A. No, I just wanted the email chain, particularly the one  
 21 that started in red, to be part of that evidence,  
 22 because that showed the track of the A2 and the G2  
 23 properly, and then I think we got the witness statement  
 24 in fairly swiftly and I know the document search has  
 25 continued since then.

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1 Q. So can we take it that the documents you exhibited to  
 2 your fifth statement were selected from a wider pool of  
 3 documents which pertained both to the May test and to  
 4 the July test?  
 5 A. I think they were just researching the ones that we'd  
 6 discussed on 9 December.  
 7 Q. I see.  
 8 Do you remember who was responsible for the budget  
 9 for the July test?  
 10 A. I think it would have been, again, the same, it would  
 11 have been a split cost between us and Panels.  
 12 Q. Right. 50/50?  
 13 A. Yeah, I think so.  
 14 Q. So far as the "us" in that answer is concerned, that's  
 15 KIL, is it?  
 16 A. Yes, that's Kingspan Insulation.  
 17 Q. Were you the person at KIL responsible for that part of  
 18 the budget?  
 19 A. It would have come out of the technical budget, yes.  
 20 Q. But were you the person at KIL, Kingspan Insulation  
 21 Limited, ultimately responsible, the ultimate  
 22 decision-maker, for spending that money?  
 23 A. No, it would have been agreement from the team to do the  
 24 tests, and then it was agreed that it would come out of  
 25 the technical budget, which I was the budget holder.

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1 Q. And as budget holder, did you have the final say on what  
 2 should be spent on what aspects of the test?  
 3 A. I agreed we would do the test and then we'd split the  
 4 costs.  
 5 Q. Yes, that's not quite an answer to my question. Did you  
 6 exercise any control in deciding how much should be  
 7 spent on what aspects of the test?  
 8 A. No. No, it was just what the test cost we would pay.  
 9 Q. Now, you say, going back to it, the new plan B was to  
 10 get the G2 out to Dubai. Was it thought at that time  
 11 that using Vitracore G2 in the July test would increase  
 12 the chances of a poor test result?  
 13 A. I think we understood that there'd been tests elsewhere  
 14 with the G2 product which had not performed well, so it  
 15 was -- that was why we wanted to try and test that, to  
 16 see if we would find the same.  
 17 Q. We will see some documents on this, but while we're on  
 18 the point, can you remember what those tests were?  
 19 A. I think there were some tests out in Australia which  
 20 I think Nick Jenkins had become aware of.  
 21 Q. Right.  
 22 So do I take it from that answer and the previous  
 23 one that you had deliberately selected G2 as a component  
 24 of the proposed July test because it hadn't performed  
 25 well historically in a full system test?

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1 A. That's correct.  
 2 Q. Thank you.  
 3 Now, let's go back to the April email again, and I'm  
 4 sorry to keep going back to it, Mr Pargeter,  
 5 {KIN00004658/5}. This is Mark Harris' email from  
 6 9 April. At the very top of the page, it says:  
 7 "1. Data from failed BS 8414 tests."  
 8 Now, I read you this before. I'm not going to read  
 9 it again. You will remember that it refers in the  
 10 last—but—one sentence:  
 11 "Also test Vitracore G2 honeycomb in bomb  
 12 calorimeter. This testing is for information only at  
 13 this stage."  
 14 You have confirmed that Vitracore is the G2 product.  
 15 A. That's correct.  
 16 Q. Do you remember whether the testing of the Vitracore G2  
 17 product in the bomb calorimeter as proposed actually  
 18 happened?  
 19 A. I don't recall. I don't recall seeing any results from  
 20 that.  
 21 Q. Right.  
 22 Now, given that the Alucobond A2 which had been used  
 23 in the May test had failed to produce a suitably poor  
 24 performance at the May test, was it the default option,  
 25 plan B to use your own expression, then to try out the

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1 Vitracore G2 at the July test?  
 2 A. That's correct.  
 3 Q. Yes. Was that your decision?  
 4 A. No, that was -- would have been in those earlier  
 5 discussions. I'm not sure when I became aware of  
 6 Vitracore or G2 or what it was, but it wasn't my  
 7 decision, at this point, to test that.  
 8 Q. All right.  
 9 Let's just look on at the same email. If we go  
 10 a little bit lower down, if we go to the bottom of  
 11 page 5 {KIN00004658/5}, lower down the screen I think we  
 12 need to be, at the very bottom he says:  
 13 "It is also worth noting ..."  
 14 Do you see that?  
 15 A. Yes.  
 16 Q. "It is also worth noting that if we do not achieve our  
 17 objective with the testing in Dubai, perhaps we could  
 18 provisionally book a later slot on the BS 8414 rig in  
 19 Ulster as a 'Plan B' with an alternative system."  
 20 Now, am I right in thinking that Mark Harris was  
 21 aware at the time of this email that there was a risk  
 22 that the objective of a poor performance might not be  
 23 achieved and was recommending a plan B back-up with  
 24 a later test with an alternative system at the time, in  
 25 that case in Ulster?

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1 A. Yes, I would think that.  
 2 Q. Was that the genesis of the plan B test that you were  
 3 now pushing forward in your 22 May email?  
 4 A. Yes, I think so.  
 5 Q. Now, sticking with this chain and if we go back to  
 6 page 3 {KIN00004658/3}, scroll up two pages to page 3,  
 7 again this is an email we've seen at least twice before,  
 8 and this is the email of Nick Jenkins of Booth Muirie,  
 9 10 April, at 20.54. You receive it as well as  
 10 Gene Murtagh and Gilbert McCarthy in copy.  
 11 You can see in the first part he sets out the  
 12 proposed test programme at Ulster University and then  
 13 the proposed testing for Dubai, and it includes the  
 14 details of how the test will be weakened.  
 15 If you go over the page {KIN00004658/4} you can see  
 16 those, we saw them before, (a) at the bottom and then  
 17 (b) at the top of the page down to (g).  
 18 And then if you go to the last paragraph on page 4,  
 19 underneath the five bullet points, he says:  
 20 "Also looking to source some Vitracore G2 via  
 21 a contact in Dubai. This would be another deemed to  
 22 satisfy product that we feel would perform poorly as  
 23 part of a system. Valcan refusing to supply this  
 24 product to be tested here in the UK."  
 25 Now, first question there: Valcan, were Valcan the

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1 manufacturers of Vitracore G2?  
 2 A. Yes, I believe so.  
 3 Q. Did you yourself think at that stage, April 2018, that  
 4 Vitracore G2 would perform badly?  
 5 A. Myself, I didn't, no.  
 6 Q. Let's go back to your fifth witness statement, please,  
 7 {KIN00024975/4}. If we look at paragraph 2.8 you say:  
 8 "The July test was carried out on a system  
 9 incorporating A2 rated limited combustibility  
 10 Vitracore G2 flat cladding panels, A1 rated  
 11 non-combustible Rockwool Duoslab synthetic fibre  
 12 insulation, and Siderise RH25 90/30 horizontal and  
 13 Siderise RV 90/30 vertical cavity barriers. The system  
 14 tested in the July test closely replicated the DCLG  
 15 tests numbered 2, 4 and 6, with extra panel joints and  
 16 therefore gaps in the wing wall. If anything the system  
 17 was more robust than that tested by the DCLG because the  
 18 Vitracore panel edges were folded over, thus protecting  
 19 the core of the panels from the fire. We decided to  
 20 carry out this test because we suspected (no more) that  
 21 a system utilising the Vitracore G2 panels might not be  
 22 able to pass a large-scale test even when part of  
 23 a robust design."  
 24 Now, to be clear, you agreed earlier with me that  
 25 the purpose of the July test was the same as the May

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1 test; yes?  
 2 A. Yes.  
 3 Q. And you would therefore achieve that purpose by  
 4 deliberately using Vitracore G2, a product you suspected  
 5 would cause even a robustly designed large-scale test to  
 6 fail; yes?  
 7 A. Yes.  
 8 Q. So when you say here that, "If anything the system was  
 9 more robust than that tested by the DCLG", it wasn't  
 10 intended to be more robust than the system tested by you  
 11 in May, was it?  
 12 A. It would have been more robust than the system in May,  
 13 but it just followed the DCLG design. So I think it  
 14 was -- in the one in May, as we explained, there were  
 15 sort of weaknesses in the design. There were no design  
 16 weaknesses in this design for this test, the July --  
 17 Q. No, but what there was was the use of a panel which you  
 18 knew or at least suspected would enhance the chances of  
 19 that test failing?  
 20 A. Yeah, we understood that other tests with that product  
 21 had certainly struggled if not failed at large scale,  
 22 and that it was an A2-rated product.  
 23 Q. Yes. It's right, isn't it, that the July test was  
 24 designed to maximise the chances of failing the BRE 135  
 25 criteria in just the same way that the May test had; no?

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1 A. No, in the May test, as we explained, we'd designed  
 2 weaknesses sort of at the extreme of a compliant design,  
 3 whereas this was not at the extreme of a compliant  
 4 design, it followed the exact system design that DCLG  
 5 had done their comparative testing on, so --  
 6 Q. I see.  
 7 A. -- it wasn't designed with the same weaknesses.  
 8 Q. Right. Let me ask the same question again, but instead  
 9 of using the word "designed", I'm going to use the word  
 10 "intended" and let's see what happens.  
 11 Isn't it right that the July test was intended to  
 12 maximise the chances of failing the BRE 135 criteria in  
 13 just the same way that the May test had been so  
 14 intended?  
 15 A. I think we suspected it would, and we were testing to  
 16 see if it would.  
 17 Q. Yes, and you agreed with me earlier that the purpose of  
 18 the July test was the same as the May test.  
 19 A. The same purpose, yes.  
 20 Q. Yes.  
 21 Now, you say in the paragraph you have just looked  
 22 at, and look at it again, three lines up from the  
 23 bottom:  
 24 "We decided to carry out this test because we  
 25 suspected (no more) that a system utilising the

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1 Vitracore G2 panels might not be able to pass  
 2 a large-scale test even when part of a robust design.”  
 3 Did you really proceed to set this July test up,  
 4 your plan B, on the basis of a mere suspicion that such  
 5 a system wouldn't pass?  
 6 A. Yeah, we'd got -- yeah, I think that's correct.  
 7 Q. Surely you must have had a fair degree of confidence  
 8 that it wouldn't pass, otherwise it wouldn't be  
 9 a reliable plan B for your purposes?  
 10 A. No, we just -- no, we suspected, as we suspected that  
 11 the A2 test would struggle to pass that test, and it  
 12 didn't and we were proved wrong obviously, we just  
 13 suspected this one -- and it was because of information  
 14 gained by -- in the industry that this A2 panel had  
 15 struggled in large scales that we thought: well, let's  
 16 test that one.  
 17 Q. Yes, and I'm suggesting to you that instead of a mere  
 18 suspicion, it was more than that; it was a fair degree  
 19 of confidence that the July test, as your plan B, would  
 20 fail.  
 21 A. We could only have suspected it. We couldn't have had,  
 22 you know, 100% confidence that it would, we just  
 23 suspected that it would.  
 24 Q. Yes, I'm not putting 100% confidence to you, what I'm  
 25 suggesting to you is that when you say "we suspected (no

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1 more)", that was actually an understatement, and that  
 2 actually you had a fair degree of confidence that it  
 3 wouldn't pass.  
 4 A. No, I think -- I don't think we had a fair degree of  
 5 confidence. I don't think we were, you know, very  
 6 confident about it at all. I think we suspected it and  
 7 that's why we wanted to try it.  
 8 Q. If we go back to page 6 of your statement  
 9 {KIN00024975/6} and paragraph 3.4, you see at  
 10 paragraph 3.4, in the first sentence, it says:  
 11 "I wish to clarify that the July test was not  
 12 designed to fail. As described above, its design  
 13 closely replicated that used by the DCLG in the tests  
 14 which they commissioned after the Grenfell Tower fire  
 15 and was made more robust by the folding of the  
 16 Vitracore G2 panels as explained above."  
 17 Then you go on four lines down to say:  
 18 "It was not constructed with weaknesses in it in  
 19 order to enhance its chance of performing poorly."  
 20 Now, can we keep that up on the screen and go, then,  
 21 to page 4 of the same statement {KIN00024975/4},  
 22 paragraph 2.8.  
 23 I've read to you the first sentence of paragraph 3.4  
 24 and the other part of 3.4. Now look at paragraph 2.8 on  
 25 the right of the screen, where you say in the last

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1 sentence that I've read to you I think at least twice  
 2 now:  
 3 "We decided to carry out this test because we  
 4 suspected (no more) that a system utilising the  
 5 Vitracore G2 panels might not be able to pass  
 6 a large-scale test ..."  
 7 How do you reconcile the first sentence of  
 8 paragraph 3.4, that the July test was not designed to  
 9 fail, with your statement in paragraph 2.8 that you  
 10 decided to carry out the July test because "we suspected  
 11 (no more)" that a system utilising the G2 panels might  
 12 not be able to pass? How do you reconcile those two  
 13 statements?  
 14 A. Because when I'm talking about the design there, I was  
 15 talking about the system design. So the designed  
 16 weaknesses in the first test weren't related to the  
 17 outer panel, they were related to the construction,  
 18 whereas this one didn't have those designed weaknesses.  
 19 So it was just purely on the performance of the products  
 20 within that system on that test rig.  
 21 Q. Yes.  
 22 A. That's the difference I mean there.  
 23 Q. I follow. So does that mean that when we read the first  
 24 sentence of paragraph 3.4, should we read the word  
 25 "designed" there as confined to the intended

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1 construction? That's what you mean by "designed" there,  
 2 is it?  
 3 A. That's what I mean by "designed", yes.  
 4 Q. You're not saying there, are you, that the July test was  
 5 not intended to fail?  
 6 A. No, I'm not saying that there, I'm saying it was  
 7 suspected to fail, but that what I was talking about  
 8 there is the design of the construction rather than the  
 9 choice of products.  
 10 Q. Right.  
 11 So that I've got this right, instead of using  
 12 a reliable A2 panel with a weak design, the May test,  
 13 your plan B was to go for a more robust design but with  
 14 a dubious product as the panel?  
 15 A. Yeah, with a product we had suspicions over, yes.  
 16 Q. Yes.  
 17 Was there any correspondence between you or indeed  
 18 anybody else at Kingspan on the one hand and  
 19 Nick Jenkins on the other hand about the design or  
 20 construction of the July rig other than the 22 May email  
 21 we've seen?  
 22 A. I can't recall any.  
 23 Q. Right.  
 24 A. But we would have got the designs out to the team out  
 25 there installing it, so we'd have had communications

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1 potentially with Adrian Brazier around getting the test  
 2 built — the test rig built.  
 3 Q. Yes, I see.  
 4 Now, even if the July test rig or the system was not  
 5 designed, in the sense you mean it, with weaknesses in  
 6 it, why did you choose to use a panel, Vitracore G2,  
 7 which you suspected would not perform robustly?  
 8 A. Because it was an A2-rated product, so would have, under  
 9 the linear route, been allowed in that combination with  
 10 non-combustible insulation.  
 11 Can I just say, I know the lights have gone off  
 12 again here. Shall I just press them on again, if that's  
 13 convenient, or are you happy with the lighting as it is?  
 14 SIR MARTIN MOORE-BICK: Mr Pargeter, it's not too bad, but  
 15 how difficult is it for you to turn them on yourself?  
 16 THE WITNESS: No problem at all, I'll just turn round.  
 17 SIR MARTIN MOORE-BICK: Would you like to do that? Thank  
 18 you.  
 19 Oh, very easy. Good. That is much better, thank  
 20 you very much.  
 21 THE WITNESS: Thank you. Sorry.  
 22 MR MILLETT: There is a difference, isn't there, I think  
 23 we've established, between designing a test rig and  
 24 choosing the products to use in that design? Do you  
 25 agree with that?

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1 A. Yes.  
 2 Q. So does it come to this: that the design for the July  
 3 test may have been as robust as you say, but do you  
 4 accept that you deliberately chose Vitracore G2 as the  
 5 panel, intending that the use of that product in the  
 6 July test would or might well cause it to perform  
 7 poorly?  
 8 A. Or could, yes.  
 9 Q. Yes.  
 10 Can I show you an email very recently disclosed to  
 11 the Inquiry at {KIN00025127}. This is an email chain  
 12 disclosed on 10 March this year. We're going to look at  
 13 this chain a bit later on, and at the moment I just want  
 14 to look at page 2 {KIN00025127/2}. I would like on that  
 15 page to look at the second email up from the bottom.  
 16 It's dated 15 May 2018, from John Garbutt to Gwyn Davies  
 17 and you. The subject is "RE: Myth Busting Time", can  
 18 you see that?  
 19 A. Yes, I do.  
 20 Q. It says:  
 21 "Adrian, do we have the budget to do the extra  
 22 test?"  
 23 Of course, I should mention this is a week before  
 24 the successful May test.  
 25 A. Yes.

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1 Q. And the context of this, I should also show you, is at  
 2 the foot of the page, the email from Gwyn Davies the  
 3 same day, about 11 minutes before, and we will see the  
 4 context further, but it's about airfreighting G2 panels  
 5 to Dubai. The question that John Garbutt asks you in  
 6 the first line there is whether you've got the budget to  
 7 do the extra test. Then he says this:  
 8 "Nick J is going to need to be brought into the loop  
 9 so that he can interpret these [drawings] and draw up  
 10 the rest of the system. Would need to be as same as  
 11 possible to the NC test we are about to do.  
 12 "Is there room for insulation behind these panels,  
 13 they would normally test without in Oz?"  
 14 I just want to focus on the middle paragraph there.  
 15 The NC test that you were about to do was the  
 16 "non com" test scheduled for 22 May, wasn't it?  
 17 A. Yes.  
 18 Q. The one with the limited design imperfections, as you  
 19 call them; yes?  
 20 A. Yes.  
 21 Q. So when he says, "Would need to be same as possible to the  
 22 NC test we are about to do", is John Garbutt saying that  
 23 the extra test would need to be intentionally weakened  
 24 in the same way as the May test in some way?  
 25 A. Possibly, but I don't know, but possibly.

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1 Q. Well, how did you understand it when you received this  
 2 email?  
 3 A. I think we were — I think that was a cassette test and  
 4 we were looking to do this as a cassette as well, so  
 5 I think it would have been — yeah, it would have been  
 6 to have tried to have kept it the same but just replaced  
 7 the panel. So I agree, yes, that's how I would have  
 8 interpreted it.  
 9 Q. To cut a long story short, I think you accepted that it  
 10 wasn't the case that the original intention for the May  
 11 test, namely that it would fail, or might well fail, so  
 12 as to be able to be deployed as empirical evidence to  
 13 support your case, changed in any way after the May  
 14 test.  
 15 A. Sorry, repeat that question.  
 16 Q. Yes. Do you accept that the original intention for the  
 17 May test, namely that it would fail or may well fail,  
 18 never changed after the May test?  
 19 A. No, I don't think it did.  
 20 Q. No.  
 21 Now, we've seen them, I don't think we need to go  
 22 back to them yet again, but the March and April 2018  
 23 emails began with the subject heading "Ulster  
 24 Tests/MHCLG Select Committee Lobbying", and the first of  
 25 those emails was Mark Harris' email to you of

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1 2 March 2018.  
 2 Is that the origin of the linear tests, and the idea  
 3 of weakening it came from?  
 4 A. That was the first email communication I'd seen about  
 5 that.  
 6 Q. Right. Let's just explore that a little bit further.  
 7 Can we go to {KIN00002379}. Now, this is a long  
 8 email chain from September 2017, the year before, but  
 9 after the Grenfell Tower fire, and the chain bears the  
 10 title "Demonstrating compliance".  
 11 If we go down to page 5 {KIN00002379/5}, we can see  
 12 where it starts. It starts with Adrian Brazier  
 13 contacting the NHBC, Graham Perrior, on  
 14 4 September 2017. So that's the context.  
 15 If we scroll up to the first email at the top of  
 16 page 2 {KIN00002379/2}, this is an email from you on  
 17 11 September 2017, to Richard Burnley and also to  
 18 John Garbutt, Richard Bromwich, Peter Wilson, and it  
 19 says:  
 20 "All  
 21 "It seems NHBC are taking a very hardline over  
 22 desktop studies leaving virtually no room for manoeuvre.  
 23 This will cause serious problems in current buildings  
 24 getting approval and virtually demand a full scale test  
 25 on even minor variations, making anything insured

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1 through them practically impossible to get combustible  
 2 insulation on. We have requested a face to face meeting  
 3 but they are not interested.  
 4 "Not heard if any other insurers are taking the same  
 5 stance.  
 6 "Regards  
 7 "Adrian."  
 8 If we go up in the chain to page 1 {KIN00002379/1},  
 9 and go to the bottom of that page, please, we can see  
 10 that Peter Wilson asks you the question:  
 11 "Adrian,  
 12 "Have they any position on the grade of cladding?"  
 13 You respond just above that:  
 14 "They are saying limited combustibility for  
 15 insulation and cladding or tested solution."  
 16 Then John Garbutt responds to you the same day,  
 17 a little bit later in the evening and he says:  
 18 "We need to show them that that could also fail and  
 19 force them to a position of everything must be tested.  
 20 They might compromise then.  
 21 "When is the RW/honeycomb test scheduled in?"  
 22 I'll come back to that in just a moment.  
 23 Just to see how this finishes off, you go back to  
 24 him by way of response and you say:  
 25 "Hi John

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1 "That is earmarked for Dubai but had nothing  
 2 concrete from Janet yet on dates, I called her this  
 3 morning for an update but no reply as yet.  
 4 "Regards  
 5 "Adrian."  
 6 Just going back down to John Garbutt's email to you  
 7 a little earlier that evening in the second paragraph,  
 8 he says, "When is the RW/honeycomb test scheduled in?"  
 9 RW was Rockwool; yes?  
 10 A. Yes, it was.  
 11 Q. And honeycomb was what?  
 12 A. It's a similar panel to the G2 product.  
 13 Q. I see. You say a similar panel to it; did you know what  
 14 he meant by honeycomb?  
 15 A. Well, I knew about an aluminium honeycomb design  
 16 product.  
 17 Q. Right.  
 18 When you saw "honeycomb test", did you understand  
 19 what particular product he was referring to?  
 20 A. No, I don't think so at that time.  
 21 Q. Right.  
 22 Janet that's referred to in your email, was that  
 23 Janet Murrell?  
 24 A. Yes.  
 25 Q. She is Exova Dubai, isn't she?

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1 A. Yes.  
 2 Q. Yes, and I think she may now be in the UK, but she was  
 3 of that organisation ---  
 4 A. Oh, sorry, no, she's UK, but she's of that organisation.  
 5 Q. Right, I see, forgive me.  
 6 Now, it's clear from this email chain, is it not,  
 7 that there had been a plan to test a linear route system  
 8 already in motion back in September 2017?  
 9 A. Yes, it does seem that way.  
 10 Q. Right. You sound a little surprised to see that.  
 11 A. I didn't recall. I didn't recall that.  
 12 Q. Do you know, me showing you this now, whose idea was it  
 13 originally to test a linear route system?  
 14 A. No, I don't know originally whose idea it was.  
 15 Q. On the face of what I'm showing you, but you help me,  
 16 was the plan always to test a linear route system  
 17 comprising mineral wool and honeycomb like Vitracore G2?  
 18 A. From that, yeah, there was an idea there to --- that must  
 19 have been the start of the idea to test a system that  
 20 could be the linear route but not pass a BR 135  
 21 compliance test.  
 22 Q. Was the May test originally intended to have  
 23 Vitracore G2, but Kingspan couldn't get hold of it in  
 24 time and therefore had to use Alucobond A2 but with  
 25 design imperfections? Is that how it went?

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1 A. No, I don't think so. I think the — from the April  
 2 emails, the original intention was to do the A2 ACM and  
 3 then have the G2 product then, the G2 test as a back-up,  
 4 a second option.  
 5 Q. Yes.  
 6 I would like to show you some further emails  
 7 disclosed to the Inquiry by Kingspan. This time these  
 8 emails came to us last Friday, 19 March. The first one  
 9 I want to look at, please, is {KIN00025145}. This is  
 10 an email from John Garbutt to Siobhan O'Dwyer,  
 11 Mark Harris, Tony Ryan and you, and the subject is  
 12 "Positioning with government". This is about a week or  
 13 so after the May test in Dubai, and if we go down page 1  
 14 to point 3, it says, "Vitracore G2". Mr Garbutt says:  
 15 "If we get a fail, then we can show that they would  
 16 [be] allowing systems through that will fail BS8414.  
 17 This would be incredibly politically damaging (headline:  
 18 cladding system deemed safe under the government's new  
 19 proposal for Building Regulations is found to fail  
 20 a large-scale system test)."  
 21 Then at the foot of page 1, under the heading "Our  
 22 Bottom Line", you can see:  
 23 "1. Kingspan would be accepting of an outright ban  
 24 on combustible rainscreens on all buildings.  
 25 "2. An outright ban on combustible insulation would

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1 be robustly opposed by Kingspan because it is not  
 2 supported by evidence.  
 3 "3. Kingspan supports all façade systems being  
 4 subject to and passing the BS 8414 test."  
 5 Then underneath that it says:  
 6 "Evidence to Support our Bottom Line:  
 7 "1. Government and our 13785 tests show that  
 8 Grenfell was all about the ACM and that same would have  
 9 happened even if RW had been insulant."  
 10 Then if you go over the page {KIN00025145/2} you can  
 11 see item 2:  
 12 "2. Government tests ... thermosets are very hard  
 13 to distinguish from mineral fibre in system tests.  
 14 "3. Systems that are based on non-combustible  
 15 insulation and limited combustibility ACMs can fail 8414  
 16 tests — we have on video, which is here—say[sic]  
 17 evidentially, and the fibre is foil faced, which  
 18 probably makes the product Euroclass B (Mark checking) —  
 19 need our July 2 test to fail — the Vitracore G2 that is  
 20 being tested, according to Nick, is being used as  
 21 a product of choice in all the recladding jobs — Mark  
 22 was to dig with Nick to get every scrap of evidence he  
 23 can."  
 24 Now, that's what is said there.  
 25 In fact, it's right, isn't it, that the 2 July test

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1 was required to fail in order to supply you with the  
 2 evidence you needed to take part in the Government's  
 3 consultation?  
 4 A. It was needed to give empirical evidence of a fail with  
 5 that combination of materials. Obviously we were aware  
 6 of other evidence out there, but obviously we couldn't  
 7 submit that, it wasn't ours. So it was needed to prove  
 8 that point, yes.  
 9 Q. Yes, and it was needed to fail and was intended to fail  
 10 because Kingspan's plan was to use that fail in the July  
 11 test in order to damage the credibility of the  
 12 Government's new proposal of using only A1 and A2  
 13 materials over 18 metres?  
 14 A. It was certainly to challenge that proposal.  
 15 Q. Yes, all right. And in doing so, that would in turn  
 16 support what we see from this email, namely Kingspan's  
 17 narrative or case for using 8414 tests only as the  
 18 benchmark for cladding systems on high-rise buildings  
 19 and thus or thereby keep K15 in the market?  
 20 A. It was to allow a tested system, so regardless of the  
 21 materials, and it wouldn't have just kept K15 in the  
 22 market, it could have kept a lot of other products in  
 23 the market that would ordinarily be caught up in the ban  
 24 but weren't necessarily unsafe when combined in certain  
 25 systems.

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1 Q. Now, let's go to {KIN00025854}, another email that was  
 2 recently disclosed.  
 3 If you go to the bottom of page 1 on the screen in  
 4 front of you, you can see an email of 30 May 2018, so  
 5 the day before the email we've just been looking at, and  
 6 this is from John Garbutt to Gilbert McCarthy and  
 7 Gene Murtagh and others, and you can see that  
 8 John Garbutt writes:  
 9 "That could end up being counterproductive.  
 10 Pointing out to MHCLG that G2 is being used to reclad  
 11 buildings and that it is dangerous will probably lead to  
 12 it coming out that G2 has failed an 8414 with Xtratherm,  
 13 because that is the only available evidence out there at  
 14 the moment, that we know of. That in turn has the  
 15 potential to dent any confidence we try to give MHCLG  
 16 about using K15 with A2/1 rainscreens.  
 17 "To get out of this we will need to pin the issue on  
 18 G2, and to do that we need to have the RW/G2 fail in the  
 19 bag from next month's test. So, we can't move on G2  
 20 until we have that test fail to support our case.  
 21 "NB, G2 is probably being installed on as much K15  
 22 on 'failed' buildings as any other insulation."  
 23 Now, again, I suggest to you that this shows very  
 24 clearly that Kingspan's intention was that, by using G2,  
 25 the 2 July test would fail?

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1 A. It certainly had that potential, yes.  
 2 Q. Yes, and more than the potential, in fact it was  
 3 essential that G2 did its work and duly caused that test  
 4 to fail, otherwise the Kingspan strategy wouldn't work?  
 5 A. Yes, if that test had have passed, we wouldn't have had  
 6 that empirical evidence. But that's the nature of  
 7 testing it, you know, we didn't know it would fail, it  
 8 could have passed, but we had to test it to provide that  
 9 empirical evidence.  
 10 Q. Yes, and when Mr Garbutt says, "we need to have the  
 11 RW/G2 fail in the bag" and "can't move on G2 until we  
 12 have that test fail to support our case", it's quite  
 13 clear that the use of G2 was part of Kingspan's strategy  
 14 to have a failed test in your hands, in the bag as it's  
 15 put, in order to advance your case with the Government.  
 16 A. That's correct, because G2 was an A2-rated product.  
 17 Q. Yes. It was vital, as we can see, do you accept, as  
 18 part of the strategy, that you kept the impression that  
 19 Vitracore G2 was a reliably A2 product, while at the  
 20 same time ensuring, as far as you could, that it failed  
 21 a BS 8414 test?  
 22 A. I'm not sure what you mean by -- I'm not sure that it  
 23 mentions being a reliably A2 product.  
 24 Q. Well, it was an A2 product, wasn't it?  
 25 A. Yes.

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1 Q. But -- and we'll come to this -- it's clear from this  
 2 that it had a track record of having previously failed  
 3 8414 tests when used in a full system test?  
 4 A. Well, the system containing that product, yes.  
 5 Q. Yes, and that fact was something that the Government  
 6 shouldn't know, isn't it?  
 7 A. No, I don't think so.  
 8 Q. Otherwise, if you had told the Government that you were  
 9 using G2 because, although it was A2, it had previously  
 10 failed when tested under 8414, they would look at your  
 11 test and go, "Well, that doesn't tell us anything, does  
 12 it"?  
 13 A. No, because if the test we were doing failed the test,  
 14 then that's exactly the point it proves. So we would  
 15 have been telling Government that.  
 16 Q. Can we go back to the email. You will have to explain  
 17 something to me. {KIN00025854}. You see, Mr Garbutt  
 18 says in the second line:  
 19 "Pointing out to MHCLG that G2 is being used to  
 20 reclad buildings and that it is dangerous will probably  
 21 lead to it coming out that G2 has failed an 8414 with  
 22 Xtratherm ..."  
 23 What was the problem then with it coming out that G2  
 24 had failed an 8414?  
 25 A. I'm not quite sure what he means there. I think --

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1 you know, if we test that G2 on a non-combustible  
 2 system, then it would -- that would come out exactly as  
 3 that if it failed, so that would be what would come out.  
 4 Q. Yes, and that would, in turn, as Mr Garbutt says, dent  
 5 the confidence that you tried to give MHCLG about using  
 6 K15 with A2/A1 rainscreen?  
 7 A. I think maybe it's because that Xtratherm is  
 8 a combustible insulation.  
 9 Q. Well, Mr Pargeter, I'm suggesting to you that it was  
 10 essential to Kingspan's case that Kingspan concealed  
 11 from the MHCLG what it knew about the dangers of G2.  
 12 That's what this email is saying, isn't it?  
 13 A. No, we didn't -- I don't believe we concealed it at all.  
 14 Q. You say, "I don't believe we concealed it at all"; what  
 15 you were planning to conceal from the MHCLG is that it  
 16 had failed an 8414 with Xtratherm?  
 17 A. Well, we didn't have empirical evidence to show that, so  
 18 that would have been hearsay. We wouldn't be talking  
 19 about hearsay.  
 20 Q. What you were actually doing was seeking to keep from  
 21 the MHCLG what you knew about the dangers of  
 22 Vitracore G2; no?  
 23 A. No, we -- if we tested it and it failed, that's exactly  
 24 what we're showing them.  
 25 Q. Yes, but --

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1 A. There's a potential issue with G2.  
 2 Q. Yes. You're keeping from them the fact that you knew  
 3 that.  
 4 A. I don't think we're keeping information from them, no.  
 5 Q. Let's then go to another email also disclosed to  
 6 the Inquiry last week, {KIN00025856}, also from late  
 7 May, this time 31 May. So same date as the penultimate  
 8 email we just looked at and the day after the email we  
 9 have just looked at.  
 10 This is from Gilbert McCarthy, second email down on  
 11 the page. Now, it's not very clear who it's sent to,  
 12 but if we scroll up to the top of the page, we can see  
 13 that it looks as if it's circulated a little bit more  
 14 widely by Mark Harris. See if you can help me with it.  
 15 Go back down to the bottom of the screen, please.  
 16 It looks as if it's coming from Gilbert McCarthy. We  
 17 think it goes to Mark Harris:  
 18 "Spoke to Gene and explained the latest view that  
 19 Gov has made up its mind already and he was very clear  
 20 that we need to pull out All the stops to convince the  
 21 Gov and anyone who wants to listen, as many independent  
 22 experts and trade associations as possible, that Large  
 23 Scale Testing for everything above 18 metres is the  
 24 'Right and only' solution to ensuring maximum future  
 25 public safety. He is adamant that our video footage of

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1 DTS Non C is on the Ministers desk asap and if needs be  
 2 and at the appropriate time it is also on  
 3 Jeremy Corbyn's desk. We also need to do [everything  
 4 possible] to bring forward that Vitribond[sic] G2 test.  
 5 "In parallel we will ensure we have full product  
 6 offer available in the event we fail to get our message  
 7 across but prioritise the above with everything we've  
 8 got to ensure we succeed in convincing Gov that taking  
 9 their Consultation a step further by ensuring ALL  
 10 systems above 18 metres is Large Scale Performance  
 11 tested."  
 12 Did you see this email at the time, do you think?  
 13 A. No.  
 14 Q. Do you know what footage Gilbert McCarthy is referring  
 15 to there when he says "footage of DTS Non C"?  
 16 A. Not specifically, no.  
 17 Q. It's clear from this, isn't it, that the priority above  
 18 all else was to have the G2 fail in the bag in order to  
 19 convince the Government to keep BS 8414 as the standard  
 20 test, indeed perhaps the sole test, for high-rise  
 21 buildings?  
 22 A. Yeah, I think it was important to get that empirical  
 23 evidence, yes, that's clear.  
 24 Q. And this instruction was coming from the very top of  
 25 Kingspan, wasn't it, Gene Murtagh, Gilbert McCarthy?

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1 A. It would appear from that email, yes.  
 2 Q. Yes.  
 3 Now, let's go back to your fifth witness statement,  
 4 please, {KIN00024975/4}, paragraph 2.8 again. I've  
 5 shown you this sentence before and we've discussed it,  
 6 Mr Pargeter, so I'm sorry to go back over it again.  
 7 It's the third line up from the end of the paragraph:  
 8 "We decided to carry out this test because we  
 9 suspected (no more) that a system utilising the  
 10 Vitracore G2 panels might not be able to pass  
 11 a large-scale test even when part of a robust design."  
 12 I want to show you an email at {KIN00025128}. This  
 13 is an email chain from a little bit earlier in May 2018,  
 14 15 May, and I think we looked at the head of that chain,  
 15 in other words the tail of it as exhibited, a little bit  
 16 earlier and I said I'd come back to it.  
 17 Can we go to the bottom of page 5 {KIN00025128/5}.  
 18 This is an email from Gwyn Davies to someone called  
 19 Daron, copied to Adrian Brazier, and Gwyn Davies was  
 20 I think the divisional technical director at Kingspan at  
 21 the time, wasn't he?  
 22 A. Yes, I think so.  
 23 Q. Yes.  
 24 Now, he is writing to someone called Daron at  
 25 aclad.com.au. Are you familiar with Daron at ACLAD?

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1 A. Not generally familiar, but I'm familiar with the fact  
 2 that he was the contact being used to supply the G2  
 3 product.  
 4 Q. Do you agree from that familiarity that he is a man  
 5 called Daron Hodder, and was the director of ACLAD,  
 6 an Australian firm which designs and manufactures  
 7 architectural façades?  
 8 A. I don't know his position or title there.  
 9 Q. Is ACLAD or Daron personally where you sourced the  
 10 Vitracore G2 from for the July test?  
 11 A. I believe so, yes.  
 12 Q. Do you know why you didn't buy it here in the UK?  
 13 A. I think we couldn't get hold of it.  
 14 Q. Right.  
 15 Now, let's go to the third paragraph. Gwyn Davies  
 16 says:  
 17 "I have copied also Adrian Brazier who is organising  
 18 a lot of testing for us in Exova Dubai and is the focal  
 19 point for designs etc etc.  
 20 "Currently sweating it out in the desert at Exova on  
 21 our latest round of testing — he's been chasing down the  
 22 elusive Vitracore G2 for nearly 10 months now!"  
 23 Why had Adrian Brazier been chasing Vitracore G2 for  
 24 nearly ten months as at mid-May 2018?  
 25 A. I think because we were looking for that honeycomb and

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1 that was one we possibly knew of.  
 2 Q. For the test to provide evidence for your case to the  
 3 Government?  
 4 A. Yes. Yes.  
 5 Q. So ten months or so, that takes one back to about August  
 6 or so 2017. Does that accord with your recollection?  
 7 A. I'm not sure it was that long back, but I know that  
 8 Adrian was — been trying for a while to get hold of G2.  
 9 Q. Right.  
 10 Let's go to {KIN00025484}. This is an email the day  
 11 before, 14 May 2018, from Gwyn Davies to Adrian Brazier  
 12 and you, and also to John Garbutt, subject  
 13 "Vitracore G2". He says:  
 14 "Hello — I have made contact with Daron Hodder [and  
 15 there is a contact at LinkedIn for him] overnight asking  
 16 if he could source some Vitracore G2 for [testing] in  
 17 Dubai — this is the reply I got from him overnight.  
 18 "'Hi Gwyn! We can certainly assist you! You may be  
 19 aware of the battle I am having here in doing the same  
 20 test at the public CSIRO facility. If you google my  
 21 name Daron Hodder, you can read the two newspaper  
 22 articles on the same. The CSIRO is not getting the  
 23 suppliers permission, Fairview/Valcan, a poor argument  
 24 indeed! We did do the BS8414 at a private facility in  
 25 Canberra, in which it failed under propagation. I was

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1 wanting to do the test at the CSIRO in the attempt to  
 2 make it 'more public'. To that end, I can supply you  
 3 with the G2 I bought from a contractor for \$5000 AUD. It  
 4 is here in my factory, your staff know me and are  
 5 welcome to come and view the same. Collectively we need  
 6 to rid our industry of these 'dodgy' suppliers [smiley  
 7 face]."  
 8 And then Gwyn Davies goes back to his own words:  
 9 "Do you want me to progress this? I need to confirm  
 10 how many m2 it is and what sizes are the panels."  
 11 You got that email at that time. Did you understand  
 12 from this message that G2 had failed an 8414 test  
 13 already?  
 14 A. Yes.  
 15 Q. And at least Mr Hodder's view was that its manufacturers  
 16 were still selling it on dubious claims about its fire  
 17 performance?  
 18 A. It was his view, yes.  
 19 Q. Yes, at least his view that its manufacturers were still  
 20 selling G2 on dubious claims about its fire performance.  
 21 A. Yes.  
 22 Q. Yes.  
 23 Just to confirm, was Daron Hodder the source of the  
 24 G2 panels, now I've shown you this email?  
 25 A. Yes.

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1 Q. Those would arrive, looking at the date, 14 May, too  
 2 late for the 22 May test, wouldn't they?  
 3 A. Yes, yes.  
 4 Q. Does it follow from that that you were seeking these  
 5 panels for delivery for the fallback test, or plan B, in  
 6 case the May test did not fail?  
 7 A. Yes, I think so, yeah.  
 8 Q. Let's go back to {KIN00025128/4}, please. This is the  
 9 email string we looked at a little bit earlier, and  
 10 I would like to go to page 4. We were on page 5 before,  
 11 now I would like to look at page 4.  
 12 This is 15 May 2018, and this is Daron Hodder's  
 13 email on that date, 15 May 2018, to Gwyn Davies and  
 14 Adrian Brazier, also entitled "Myth Busting Time", and  
 15 he says:  
 16 "Hi Gwyn and Adrian!  
 17 "Ok, Gwyn, found out, we have already routed the  
 18 sheets, as were booked in with the CSIRO to test the  
 19 same one week after our A2 test.  
 20 "Please find attached our shop drawing of the  
 21 same ..."  
 22 Then in the third paragraph, he says:  
 23 "These are ready to go, can be flat packed on  
 24 a timber skid in an instant.  
 25 "Not sure if Exova in Dubai, talks to Exova here in

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1 Melbourne, may be best for you to photo graph the same  
 2 with the G2 film on it, then remove it, in case they  
 3 both go to the same Exclusive church....you know what  
 4 I mean..."  
 5 Can you explain what he means by that?  
 6 A. No, I don't know what he means by "exclusive church".  
 7 Q. Then if you go to the last paragraph, he says:  
 8 "Anyhow, let us know what you would like."  
 9 Now, we do I think see that you saw this email at  
 10 the time from emails higher up the chain. When you saw  
 11 that, did you think that Daron Hodder clearly thought  
 12 that the test would be a failure with these panels and  
 13 he wanted to see the result?  
 14 A. Yes, he definitely thought that the G2 product would be  
 15 challenged by that test, definitely.  
 16 Q. Right, and that he wanted to know that for his own  
 17 purposes?  
 18 A. Yes, I believe so.  
 19 Q. If we go to the next email up in the chain, still on  
 20 page 4, top of page 4 I think -- we probably need the  
 21 bottom of page 3 just to see the start of the email:  
 22 Gwyn Davies, 15 May 2018. Then back to the top of  
 23 page 4, it comes to you and John Garbutt, "Myth Busting  
 24 Time":  
 25 "Hello both,

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1 "As mentioned by Daron below -- panels were  
 2 prefabricated so we have to go with what we have.  
 3 "Please advise if I should request the entire stock  
 4 of panels should be airfreighted to Dubai?"  
 5 Then if we go up the chain to page 3  
 6 {KIN00025128/3}, we can see the email we looked at  
 7 earlier on:  
 8 "Adrian, do we have the budget to do the extra  
 9 test?"  
 10 Et cetera.  
 11 If we go back a page to page 2 {KIN00025128/2}, we  
 12 can see you say, in the email halfway down the screen,  
 13 also on 15 May 2018, "FYI". This appears to be an email  
 14 to Adrian Brazier only:  
 15 "FYI.  
 16 "I have sent the drawings to NJ to see how quickly  
 17 he could knock up a design using the already cut panels,  
 18 this would make a good back up if current non com test  
 19 does not perform as expected."  
 20 Now, the NJ there is Nick Jenkins, isn't it?  
 21 A. That's correct.  
 22 Q. And this was the origin of plan B, wasn't it?  
 23 A. Yes.  
 24 Q. Using G2?  
 25 A. Yes.

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1 Q. That you now knew from Daron Hodder would be very likely  
 2 to fail in an 8414 test?  
 3 A. That's correct.  
 4 Q. Then if we go further up the chain now to the bottom of  
 5 page 1 of this email string {KIN00025128/1}, we can see  
 6 an email also of 15 May from Adrian Brazier to you. He  
 7 says:  
 8 "Also from a test performance they go up like PE  
 9 panels and will perform worse than Alucobond A2."  
 10 By PE, did you understand that he meant PE--cored ACM  
 11 panels?  
 12 A. Yes, I would have done.  
 13 Q. Do you know what test performance Adrian Brazier is  
 14 talking about here?  
 15 A. No, not specifically .  
 16 Q. Do you know how he knows that Vitracore G2 would "go up  
 17 like PE panel"?  
 18 A. No, not unless he'd heard something from the industry.  
 19 But, no, I don't think he would have seen one.  
 20 Q. I see.  
 21 Your response to him, I think a minute later, if you  
 22 possibly allow for the time difference, it's hard to  
 23 tell, is:  
 24 "When the email comes through you will see an image  
 25 of a test which lasted 4mins or something."

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1 What test was that?  
 2 A. I can't recall .  
 3 Q. You were sending him something. What was it?  
 4 (Pause)  
 5 A. I can't recall what that one was.  
 6 Q. Right. Do you know where you got the image of the test  
 7 from?  
 8 A. No, unless it was -- no, I can't think where that was.  
 9 MR MILLETT: Mr Chairman, it's now just before 3.15, and  
 10 I hesitate to get into a habit of stopping early, but  
 11 I might be able to clarify this particular question with  
 12 a document, and I think I need the break to do it.  
 13 SIR MARTIN MOORE--BICK: Right. Well, let's take the break  
 14 now, then. It's not particularly early.  
 15 I said we'd have a break during the afternoon,  
 16 Mr Pargeter. It's come slightly earlier than we might  
 17 have expected, but that doesn't matter.  
 18 So we'll stop now. We'll resume, please, at 3.30.  
 19 Again, I must ask you not to talk about your evidence or  
 20 anything to do with it to anyone over the break.  
 21 THE WITNESS: I understand.  
 22 SIR MARTIN MOORE--BICK: Thank you very much.  
 23 3.30, then, please. Thank you.  
 24 (3.15 pm)  
 25 (A short break)

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1 (3.30 pm)  
 2 SIR MARTIN MOORE--BICK: Welcome back, everyone. We're ready  
 3 to continue taking evidence from Mr Pargeter.  
 4 Mr Pargeter, just to check you can see me and hear  
 5 me, I hope?  
 6 THE WITNESS: I can, yes.  
 7 SIR MARTIN MOORE--BICK: Good, thank you very much.  
 8 Then, Mr Millett, when you're ready, on you go.  
 9 MR MILLETT: Yes, thank you very much.  
 10 Mr Pargeter, can you please be shown the email we  
 11 had just been looking at when we stopped for the break.  
 12 This is at {KIN00025128/1}. I was showing you your  
 13 email of 15 May 2018 to Adrian Brazier when you say:  
 14 "When the email comes through you will see an image  
 15 of a test which lasted 4mins or something."  
 16 Had you in your hands at that stage an image of  
 17 a test?  
 18 A. Looking at that, yes, I must have done.  
 19 Q. What was it? Was it a video or a still photograph?  
 20 What was it?  
 21 A. I think as an image it would be a still photograph.  
 22 Q. Right. We haven't seen it in disclosure, I don't  
 23 believe, and again I'll be corrected if I'm wrong, it  
 24 may have come through recently, but is it something that  
 25 is actually a physical or an electronic document, is it?

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1 A. I would think from that, yes, I would think it would be  
 2 an attachment or an embed in the email.  
 3 Q. Right.  
 4 A. But I haven't seen that in my pack either.  
 5 Q. Right, I see.  
 6 When you say, "When the email comes through", whose  
 7 email, coming through to whom?  
 8 A. I would suspect from me to Adrian.  
 9 Q. I see. So you were going to send him this image.  
 10 I see. And where did you get the image from, the image  
 11 of a test which lasted four minutes?  
 12 A. I don't recall .  
 13 Q. Was it Daron Hodder?  
 14 A. No, not from Daron Hodder.  
 15 Q. You don't know --  
 16 A. Not directly from Daron to me, no.  
 17 Q. Right.  
 18 Now, in the light of these emails that we have been  
 19 looking at, do you agree that when you said in your  
 20 fifth witness statement at the end of paragraph 2.8 that  
 21 you had suspicions but no more about the performance of  
 22 Vitracore G2, that was something of an understatement?  
 23 A. No, I think it's correct. We had suspicions, we'd  
 24 obviously been told by Daron for one that -- and  
 25 certainly that it was a product that was struggling to

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1 pass 8414 tests, but until we tested it ourselves, we  
 2 wouldn't really know.  
 3 Q. The fact is that you were aware of evidence that the G2  
 4 panel would go up like or perform in a fire like a PE  
 5 panel and would be likely to fail an 8414 test.  
 6 A. Well, that's what was said, but I don't actually --  
 7 I wouldn't have thought that that was correct. At the  
 8 time I wouldn't have thought it correct and it's not  
 9 correct now.  
 10 Q. If we go up the email chain a little bit further, you  
 11 see that he comes back to you and says:  
 12 "My thought was it may be worth doing the test [at]  
 13 the BRE with the correct audience in attendance but not  
 14 sure on the logistics."  
 15 Who did you understand the correct audience to be  
 16 there?  
 17 A. I'd have thought MHCLG, potentially, or some of the  
 18 people on the select committee, that type of audience.  
 19 Q. Right, I see.  
 20 Your response, as we can see at the top of the page,  
 21 is:  
 22 "That's not a bad call Braz, I have floated it to  
 23 the team. I guess timing may be an issue here with 2019  
 24 test dates?"  
 25 When you say, "I have floated it to the team", to

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1 whom did you float it?  
 2 A. It would have probably been John Garbutt and Gwyn, maybe  
 3 others, I can't directly recall, but that's who I would  
 4 have floated that to, maybe to Mark Harris.  
 5 Q. Right. In writing, do you think, you sent them  
 6 an email?  
 7 A. Possibly, but I could have called them as well.  
 8 Q. Right.  
 9 Now, I want to show you another email chain which  
 10 branches off this one, {KIN00025129}, please. This is  
 11 an email, also 15 May 2018, from Adrian Brazier to you  
 12 bearing the same title "Myth Busting Time", and you say:  
 13 "Maybe fund Darren to do the test so it's not KIL vs  
 14 Rockwool but more industry view?"  
 15 The Darren referred to here was Daron Hodder from  
 16 ACLAD, wasn't it?  
 17 A. Yeah, I would suspect so, yes.  
 18 Q. The spelling is different, but do you know a Darren with  
 19 R-R-E-N as opposed to Daron R-O-N in this context?  
 20 A. No, I suspect that would have been Daron Hodder.  
 21 Q. Yes.  
 22 Is it right that what Adrian Brazier is suggesting  
 23 here is passing the Vitracore test off as an independent  
 24 test undertaken by an impartial cladding company in  
 25 another country?

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1 A. I wouldn't say it was impartial, he is not saying that,  
 2 he is just saying it would be a good idea to have  
 3 someone else test and get a result as well.  
 4 Q. Was Daron Hodder or anybody else ever approached with  
 5 that proposition?  
 6 A. Not as far as I'm aware.  
 7 Q. Do you know why that is?  
 8 A. Maybe we just didn't take it forward as an idea.  
 9 Q. Right. Yes.  
 10 Now, I want to turn to the subject of the letter to  
 11 the select committee of 6 July 2018 next.  
 12 On the last occasion, to cut a longish passage  
 13 short, you agreed, I think, with the Chairman that the  
 14 testing that was done in July 2018 was not done for  
 15 entirely altruistic purposes. That's {Day85/62:15-16}.  
 16 That's right, isn't it?  
 17 A. That's correct.  
 18 Q. It was undertaken to lobby Government, wasn't it?  
 19 A. Correct.  
 20 Q. And in fact, as we've seen, to use John Garbutt's words  
 21 in his email of 11 September 2017, the testing was part  
 22 of Kingspan's strategy to force the Government into  
 23 a position that everything must be tested.  
 24 A. Yes.  
 25 Q. We saw that the July 2018 test report was included in

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1 Richard Burnley's letter, Kingspan via Richard Burnley  
 2 as the signature, to Clive Betts, the Chair of the  
 3 select committee on 6 July.  
 4 A. Correct.  
 5 Q. Yes.  
 6 Let's go to that letter, it's {INQ00014076/5}. If  
 7 we go to page 5 in the letter, we can see the tests that  
 8 are set out. Test 3 is the July test, it's the third of  
 9 three tests.  
 10 If we go back one page {INQ00014076/4}, we can see  
 11 the two other tests. This is underneath the heading  
 12 "Failed A1/A2 Large Scale Fire Tests":  
 13 "Kingspan has evidence of three failed large scale  
 14 fire tests where the cladding system was made up of A1  
 15 and A2 products. The tests are detailed below and  
 16 supporting documentation is enclosed."  
 17 Then test 1 is underneath that, and you can see that  
 18 you describe a test at the BRE on 27 October 2016  
 19 comprising Alucopanel solid core A2 ACM along with  
 20 Fujairah Rockwool foil faced mineral fibre/stone wool  
 21 insulation, rated as A1.  
 22 To be clear, that report didn't actually have a test  
 23 report, did it?  
 24 A. No, I believe so.  
 25 Q. No. It says in the last sentence:

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1 "We understand that no test report was produced for  
 2 this test."  
 3 In fact, the letter says at the end of that  
 4 paragraph:  
 5 "The system tested in this test is not typical in UK  
 6 construction as the insulation is foil faced."  
 7 Test 2, another failed test, was also expressly not  
 8 typical of construction in the UK, partly because it  
 9 didn't have cavity barriers in it.  
 10 A. Yes.  
 11 Q. Therefore although it's right, isn't it, that the first  
 12 two of these three tests were genuine, as you call them,  
 13 they were done on systems which were not representative  
 14 of systems built in the United Kingdom at the time?  
 15 A. That's correct.  
 16 Q. Now, shall we just go back, please, to paragraph 3.4 of  
 17 your witness statement {KIN00024975/6}. We have already  
 18 seen this, but if we go to the middle of the paragraph,  
 19 you say:  
 20 "It was not constructed with weaknesses in it in  
 21 order to enhance its chance of performing poorly."  
 22 A. Yes, I see that.  
 23 Q. Yes. Then you say this:  
 24 "We therefore considered it an entirely appropriate  
 25 test to draw to Mr Betts' attention as an example of the

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1 wider point we were seeking to explain — namely that  
 2 just because cladding panels and insulation products  
 3 which are certified as meeting an A1/A2 standard when  
 4 tested separately on a small scale, does not, in itself,  
 5 mean that any system incorporating them will necessarily  
 6 meet an appropriate standard in terms of fire  
 7 performance when subjected to the more exacting  
 8 requirements of a large scale test."  
 9 Now, I'd asked you a number of questions about this  
 10 topic in your examination, and I just want to show you  
 11 a passage in that examination. It's quite long, but  
 12 it's worth looking at, if we can.  
 13 {Day85/84:19}, please. I want to read you three  
 14 pages or so of your evidence last time, Mr Pargeter, so  
 15 bear with me and follow along.  
 16 Question at 19:  
 17 "Question: Why did you not — or did Kingspan  
 18 not — tell Clive Betts, Chair of the select committee,  
 19 that the test done in Dubai was deliberately designed to  
 20 perform poorly?  
 21 "Answer: Because it was designed as a potential  
 22 system on a building.  
 23 "Question: How would Mr Betts know that from this  
 24 letter?  
 25 "Answer: Well, he wouldn't, but it was built along

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1 the linear route, so that was the objective.  
 2 "Question: All the weaknesses that were introduced  
 3 into the system that we saw in the April email run,  
 4 which were designed to make the system perform poorly,  
 5 were not clearly identified as such in this document,  
 6 were they?  
 7 "Answer: No.  
 8 "Question: And therefore anybody reading it would  
 9 think that the system was designed not as a worst—case  
 10 scenario or as designed to perform poorly, but just as  
 11 a system.  
 12 "Answer: Correct, as a system.  
 13 "Question: And therefore anybody reading this  
 14 letter would be misled, wouldn't they, into thinking  
 15 that the test had not been set up to fail but was  
 16 a fairly representative test?  
 17 "Answer: No, they wouldn't have been misled. It  
 18 was a system designed which would comply with the linear  
 19 route. So that's not misleading anybody, that's what it  
 20 was.  
 21 "Sir Martin Moore—Bick: But if I may say so, the key  
 22 point that counsel is inviting you to consider is  
 23 whether the system that was actually tested was designed  
 24 so as to be fairly representative of what one might  
 25 expect to be built. Is that your point, Mr Millett?

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1 "Mr Millett: Yes, Mr Chairman.  
 2 "Answer: Then it was designed to be the most  
 3 challenging for that test.  
 4 "Sir Martin Moore—Bick: So I think it follows that  
 5 it was not intended to be fairly representative of what  
 6 one might expect to see built.  
 7 "Answer: I think I'd agree with that, yes.  
 8 "Sir Martin Moore—Bick: Thank you.  
 9 "Mr Millett: Therefore anybody reading this letter  
 10 would be misled by the results of that test into  
 11 thinking that tests involving mineral fibre were just as  
 12 likely to fail as tests involving Kingspan K15, when  
 13 that was —  
 14 "Answer: I think it —  
 15 "Question: — not true and known by Kingspan not to  
 16 be true?  
 17 "Answer: No, I think if the letter had said this  
 18 was built as a typical standard system then that would  
 19 be true, but it doesn't say that, it just says what the  
 20 system was.  
 21 "Question: Do you accept this much: that Kingspan  
 22 deliberately concealed from the select committee the  
 23 fact that this test was deliberately designed to perform  
 24 poorly?  
 25 "Answer: No.

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1 "Question: You don't accept that it was deliberate?  
 2 "Answer: Deliberate --  
 3 "Question: You thought it was an accident, did you?  
 4 (Pause)  
 5 "Answer: No, I think -- I don't think it was  
 6 an accident. There was no deliberate attempt to  
 7 mislead, it just was a system which complied with the  
 8 linear route.  
 9 "Question: Why not tell Mr Betts, as part of your  
 10 response to the Hackitt consultation, that the Dubai  
 11 test was deliberately constructed with weaknesses in it  
 12 in order to enhance its chance of performing poorly?  
 13 Why not say that?  
 14 "Answer: Well, we could have done, but we didn't."  
 15 I have read you that in full because there are  
 16 questions that then flow from that entire passage.  
 17 Your statement in your fifth statement that I've  
 18 just read to you is inconsistent, isn't it, with your  
 19 previous evidence that the Dubai test was designed to be  
 20 the most challenging for an 8414 test?  
 21 A. Which Dubai test are you talking about?  
 22 Q. The July test.  
 23 A. No, I think -- on that passage there, I was still  
 24 thinking about the design weaknesses of the A2 test, and  
 25 that's where I think the conversation continued around

1 those design weaknesses which you'd highlighted, and  
 2 because I hadn't picked up on the G2 test difference,  
 3 then that's why I answered it in the way I did. But the  
 4 G2 product has been used on buildings in the UK.  
 5 Q. Your statement in your fifth statement at paragraph 3.4  
 6 I read to you was inconsistent with your acceptance in  
 7 December that the system tested in July 2018 had been  
 8 deliberately weakened?  
 9 A. I was talking about the earlier test.  
 10 Q. Well, I've just read you the passage which relates to --  
 11 A. Yes, I understand that, but I was talking about the  
 12 design weaknesses which -- they weren't in the G2 test,  
 13 they were in the earlier Dubai test.  
 14 Q. Yes, but do you accept, as you told us in December,  
 15 sitting there now, that the Dubai July test was  
 16 designed -- or intended, let me use a clearer word for  
 17 you, intended to be the most challenging for an 8414  
 18 test?  
 19 A. It wasn't the most challenging, no, I think the design  
 20 or the intent was a direct copy of the DCLG test, so we  
 21 didn't design in any weaknesses above that, and the  
 22 standard product used on it was a G2 A2-rated product,  
 23 so I think that was more fairly representative.  
 24 Q. When you presented the July test to the  
 25 select committee, do you accept that you did not reveal

1 to the select committee that although Vitracore G2 had  
 2 an A2 rating in England and Wales, it was known to  
 3 perform like a PE panel?  
 4 A. No.  
 5 Q. You don't accept that you didn't reveal that fact to  
 6 them?  
 7 A. Well, it didn't perform like the PE panel.  
 8 Q. You had been told, and we've seen this, that it had been  
 9 known to perform like a PE panel. We saw the email  
 10 earlier, "it goes up like a PE panel".  
 11 A. But it doesn't, and it didn't.  
 12 Q. Well, it may not have done in the event, but do you  
 13 accept that you did not reveal to the select committee  
 14 that although Vitracore G2 had an A2 rating, it was  
 15 known before the test or, to use your words, suspected  
 16 before the test that it would perform like a PE panel?  
 17 A. No, I don't think we did suspect it would actually  
 18 perform like a PE panel, just shipped(?) in because of  
 19 the make-up of it. So we knew it was challenging and --  
 20 but we didn't know it was like a PE-cored panel and it  
 21 didn't perform like a PE-cored panel.  
 22 Q. Do you accept that you didn't tell the select committee  
 23 that you were aware of a test where Vitracore G2 had  
 24 failed within four minutes?  
 25 A. No, we didn't.

1 Q. Nor did you reveal to the select committee that you had  
 2 deliberately selected Vitracore G2 because it had  
 3 already failed a full system 8414 test?  
 4 A. No, but we did tell the select committee that it was  
 5 an A2-rated product.  
 6 Q. That's not quite the same thing, is it?  
 7 A. No.  
 8 Q. No. And you didn't even tell the select committee, did  
 9 you, Mr Pargeter, that you had chosen G2 because, even  
 10 on your own evidence today, you suspected that it might  
 11 fail, your own words in your fifth witness statement?  
 12 A. No, we didn't.  
 13 Q. Why did you not disclose any of those matters to the  
 14 select committee?  
 15 A. Because we didn't need to. It was a rated product, it  
 16 had got a certificate to say that it was A2, and we  
 17 tested it in an A1 system, A2/A1 system, and it failed.  
 18 We gave all the information we could on that test.  
 19 Q. By not mentioning any of these matters to the  
 20 select committee, do you accept that Kingspan were not  
 21 being entirely transparent with the select committee?  
 22 A. No, I think we were being transparent with them.  
 23 Q. Did you deliberately choose not to tell them that  
 24 Kingspan had selected the Vitracore G2 panel for  
 25 inclusion in the full system test on 2 July because you

1 suspected it might fail?  
 2 A. I don't think we deliberately omitted anything.  
 3 Q. So are you telling us --  
 4 SIR MARTIN MOORE--BICK: I'm sorry to interrupt you,  
 5 Mr Millett, but I would quite like to clarify some of  
 6 this.  
 7 Mr Pargeter, when you chose the G2 Vitracore panel,  
 8 did you think that its performance was likely to be  
 9 typical of an A2 panel or worse than one might expect  
 10 from an A2 panel?  
 11 A. I think we would have expected it to be worse at a  
 12 large-scale fire, yes.  
 13 SIR MARTIN MOORE--BICK: And therefore not really typical of  
 14 an A2 panel?  
 15 A. Well, A2 panels come in all different types, but I think  
 16 it would probably be -- we would have thought it was at  
 17 the bottom end, if you like, of the performance of an A2  
 18 product, yes.  
 19 SIR MARTIN MOORE--BICK: All right, thank you very much.  
 20 Yes, Mr Millett.  
 21 MR MILLETT: Do you accept that you not only did not tell  
 22 the select committee that you thought or suspected that  
 23 Vitracore G2 would not behave like a typical A2 panel,  
 24 you did not tell them that deliberately?  
 25 A. Well, we didn't tell them that because it wasn't

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1 relevant. The test speaks for itself and we've -- full  
 2 disclosure on the test, the way the test was designed,  
 3 the product data, I think we even provided the product  
 4 datasheet with that, so I think, you know, we gave them  
 5 everything that they needed to make a judgment on it.  
 6 Q. Why didn't you tell the select committee that you had  
 7 deliberately selected the G2 Vitracore panel because you  
 8 either knew or at least strongly suspected that a full  
 9 system test with it in it would fail?  
 10 A. Because we didn't need to, we just told them what we'd  
 11 found.  
 12 Q. Why didn't you tell the select committee that  
 13 Vitracore G2 would not behave in a full system test like  
 14 a typical A2 panel and that therefore they should read  
 15 the results of the July test in that light?  
 16 A. Because it's an A2 panel, and that's -- you know, it's  
 17 proving the point, that a system with limited and  
 18 non-combustibility doesn't always perform the way you  
 19 think it does, or you may think it does. So whether it  
 20 was suspected as being at the bottom end of an A2  
 21 compared to other A2s is not really the point.  
 22 Q. Wasn't the point precisely to get across to the  
 23 select committee the very fact that there are different  
 24 kinds of A2 panels, some which will pass or may pass  
 25 an 8414 test and some which may not, and that you had

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1 selected the one which may not in order to make your  
 2 point? Why not just tell them that?  
 3 A. Because you're referring to it there as a product test,  
 4 and it's not, it's a system test, isn't it? So what  
 5 we're proving there is a system combining that product  
 6 with non-combustible insulation can fail an 8414 test.  
 7 Q. I will repeat my question: why not just tell the  
 8 select committee the very fact that there are different  
 9 kinds of A2 panels, some of which will, when included in  
 10 a full system test, not cause that test to fail, and  
 11 some of which, when included in such a test, will or  
 12 might?  
 13 A. Because I think that's kind of implicit in the way the  
 14 legislation was moving towards, and as -- making that  
 15 assumption. But what we were saying was that's not  
 16 always the case.  
 17 Q. Isn't the reality, Mr Pargeter, that the July test was  
 18 set up to fail in just the same way as the May test had  
 19 been set up to fail, and you kept that fact from the  
 20 select committee?  
 21 A. No, it wasn't. We were very open about the design of  
 22 the test. The design of the test was copied from DCLG,  
 23 and we gave full disclosure on the products that we  
 24 used.  
 25 Q. Can you identify --

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1 A. -- anything from them.  
 2 Q. I'm so sorry.  
 3 Can you identify anywhere in that 6 July letter  
 4 which spells out to the select committee that you had  
 5 deliberately selected G2 Vitracore as the panel because  
 6 you knew or suspected that it would cause the test to  
 7 fail?  
 8 A. No, that's not there.  
 9 Q. Now, you also, do you accept, did not tell the  
 10 select committee that the July Dubai test was a plan B  
 11 that was only necessary because your plan A test back in  
 12 May, with all its design imperfections that we'd seen in  
 13 the March and April emails, had passed?  
 14 A. That's correct.  
 15 Q. Surely by referring to the July test but making no  
 16 mention of the successful May test, you were giving  
 17 an unfairly incomplete picture to the select committee  
 18 about linear route systems?  
 19 A. No, I think because there was already an assumption that  
 20 that route would provide, you know, on all tests to be  
 21 safe, and we were just challenging that against the  
 22 BR 135 against that one product. So I don't think it  
 23 was unfair, no.  
 24 Q. Was it not relevant for the select committee to know  
 25 that even a system containing linear route compliant

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1 products but with in-built design flaws deliberately  
 2 included to enhance the chances of failure had in fact  
 3 passed?  
 4 A. No, I don't think that was considered, no.  
 5 Q. Why was that irrelevant?  
 6 A. I don't know, I just don't think it was considered.  
 7 Q. It may not have supported your case, Mr Pargeter, but  
 8 surely it was relevant for the select committee to  
 9 understand both tests and the flaws in both tests so as  
 10 to be able to have the full picture, so as to be able to  
 11 understand what the empirical evidence truly shows; no?  
 12 A. No, I just don't think we considered that.  
 13 Q. You don't think you considered it?  
 14 A. No.  
 15 Q. When you say you don't think you considered it, did you  
 16 mean that the question of whether you should tell them  
 17 about the May test simply formed no part of Kingspan's  
 18 thinking about whether to tell the select committee  
 19 about it?  
 20 A. Yeah, I don't know whether it did, I didn't write that  
 21 letter, so I don't know what the thinking was of those  
 22 who were drafting it precisely, but I don't imagine it  
 23 was to deliberately leave anything out, it was just that  
 24 was the point we were trying to prove.  
 25 Q. Do you accept that the non-disclosure of the May test,

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1 the fact of the May test and its successful result, was  
 2 not the result of an oversight but the result of  
 3 a deliberate decision?  
 4 A. No, I can't say that.  
 5 Q. You can't say that.  
 6 You do realise, don't you, that that is what  
 7 Kingspan told Brian Martin of the MHCLG and Clive Betts  
 8 in separate letters dated 19 January this year, that the  
 9 May test was considered to be irrelevant?  
 10 A. I don't recall that, no.  
 11 Q. Right. Well, we will come to it later.  
 12 For the time being, were you party to or privy to  
 13 any decision to omit any reference to the May test from  
 14 the 6 July letter to the select committee?  
 15 A. No, not that I'm aware of, no.  
 16 Q. Even if you were not party to or privy to that decision,  
 17 do you know when it was taken?  
 18 A. No.  
 19 Q. Do you know who took it?  
 20 A. No.  
 21 Q. Do you accept the truth of the overall position that  
 22 Kingspan concealed the fact and result of the May test  
 23 from the select committee because it seriously  
 24 undermined Kingspan's case that combustible materials  
 25 should not be banned?

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1 A. It didn't support the case, and, you know, we were  
 2 trying to make the case that not all systems would  
 3 perform the same. So, you know, that wasn't the case we  
 4 were trying to make, so it wasn't necessary.  
 5 Q. Well, you have almost accepted my point. Is the reason  
 6 why the fact of and results of the May test were  
 7 deliberately withheld from the select committee because  
 8 they didn't support Kingspan's case?  
 9 A. I couldn't say whether that was the thought process or  
 10 not.  
 11 Q. Right.  
 12 We have seen that you did decide to tell them about  
 13 the July test, and in presenting the failed July test  
 14 evidence in support of your case, but not revealing the  
 15 successful May test, do you accept that you were only  
 16 giving the select committee half the picture?  
 17 (Pause)  
 18 A. No, I think we were just -- we were giving them the  
 19 evidence of the point we were trying to prove.  
 20 Q. And not evidence of any empirical evidence which might,  
 21 fairly read, undermine that case or point that you were  
 22 trying to prove?  
 23 A. Well, it doesn't undermine it really, it just -- it's  
 24 another system test that did pass, and there are  
 25 probably plenty of others that do pass under that, but

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1 what we're saying is that it's not all systems, and so,  
 2 you know, we were just using that evidence to prove that  
 3 not all systems would.  
 4 Q. I have to put it to you that in not revealing the  
 5 successful May test to the select committee, Kingspan  
 6 was attempting to mislead the select committee?  
 7 A. No, I disagree.  
 8 Q. And the reason you didn't mention the May test in your  
 9 second witness statement in October 2019 but only the  
 10 July test was for exactly the same reason; your plan was  
 11 always to conceal the fact of and result of the May test  
 12 from both the Inquiry and the public.  
 13 A. No, that's not true.  
 14 Q. And it was only once it had been put to you in evidence  
 15 that the July test was similarly part of an attempt to  
 16 mislead the select committee that you chose to come  
 17 clean, as you would have it, about the May test and  
 18 sought to put the record straight.  
 19 A. No, that's not true.  
 20 Q. Right.  
 21 It's right, isn't it, that Nick Jenkins was the very  
 22 designer of the DCLG's own BS 8414 fire testing?  
 23 A. I think he was involved.  
 24 Q. Why didn't you mention that fact to the  
 25 select committee?

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1 A. I don't know whether it was ever thought about.  
 2 Q. Did it not occur to you or anybody at Kingspan to your  
 3 knowledge that Mr Jenkins' involvement in setting out  
 4 poor performance options for Kingspan's linear route  
 5 tests, both May and July, might have involved a conflict  
 6 of interest for him?  
 7 A. No, I don't know whether that had been discussed or not.  
 8 Q. Right.  
 9 Now, I want to examine another topic, please,  
 10 arising out of Kingspan's recent disclosure, and this is  
 11 about Richard Burnley and his knowledge.  
 12 Can we go, please, to the transcript of your  
 13 evidence on {Day85/81}, please. If we pick it up at  
 14 line 2, we go to page 4 of what is the letter of the  
 15 select committee of 6 July 2018 at {INQ00014076/4}, and  
 16 I say to you at line 3:  
 17 "Question: ... we can see that this is part of what  
 18 is in fact a 94-page submission, isn't it, to the  
 19 department, or to Clive Betts --  
 20 "Answer: Yes.  
 21 "Question: -- as Chair of the select committee.  
 22 "Halfway down the page he identifies:  
 23 "'Failed A1/A2 Large Scale Fire Tests.'  
 24 "Just in general -- and I've dived rather into the  
 25 middle of this -- were you involved in drafting this

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1 94-page submission?  
 2 "Answer: I don't recall. Possibly.  
 3 "Question: Who else, or who would have been?  
 4 "Answer: I think Richard Burnley, obviously, and  
 5 the team at Kingspan, so that would be John Garbutt.  
 6 "Question: Right. You were head of technical --  
 7 "Answer: Yes.  
 8 "Question: -- and marketing.  
 9 "Answer: I think I was involved.  
 10 "Question: You were involved, you think?  
 11 "Answer: Yes.  
 12 "Question: Yes."  
 13 Now, just pausing there, we can see that you agreed  
 14 with the question I put to you that you were involved in  
 15 putting the submission together. Can you confirm that?  
 16 A. Yes, that's what I said there, yes.  
 17 Q. Yes. Then I go on to ask you about Richard Burnley's  
 18 knowledge of the July test on the basis, of course, at  
 19 that stage, that you had said that it was the subject of  
 20 the March and April emails that discussed weakening the  
 21 system, design imperfections, so against that  
 22 background. It's important you bear that in mind.  
 23 If I can then ask you to go to {Day85/83:10}, two  
 24 pages on in the transcript, I ask you the question:  
 25 "Question: We don't see anywhere in this letter, or

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1 indeed in any of the underlying material, where  
 2 Mr Burnley or anybody else at Kingspan tells the  
 3 select committee that the test was designed to perform  
 4 poorly, do we?  
 5 "Answer: No.  
 6 "Question: We don't see anywhere where they are  
 7 told that it was set up to fail or a worst-case  
 8 scenario, do we?  
 9 "Answer: No.  
 10 "Question: Now, Mr Burnley was one of those senior  
 11 individuals at Kingspan who was not on the email string  
 12 from April. Did he know that the test was designed to  
 13 perform poorly when he wrote this letter to the best of  
 14 your knowledge?  
 15 "Answer: I don't know, to the best of my knowledge,  
 16 whether he knew that.  
 17 "Question: Did you not have a discussion with  
 18 Mr Burnley about this test before he wrote this letter?  
 19 "Answer: I can't recall.  
 20 "Question: It's unlikely -- and I'm not asking you  
 21 to speculate, but just to accept what is common sense --  
 22 that you, as head of technical and marketing and engaged  
 23 in the campaign as we have seen for some months, would  
 24 have been bound to have had a discussion of some kind  
 25 with him about these failed tests; no?

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1 "Answer: Well, we would have done, yes.  
 2 "Question: It's important, you see, because I don't  
 3 want to ask Mr Burnley something which is unfair.  
 4 "Did Mr Burnley, to the best of your knowledge, know  
 5 that the July test was designed to perform poorly?  
 6 "Answer: I couldn't confirm whether he did or not.  
 7 "Question: Was there a plan to keep Mr Burnley in  
 8 the dark about the test being designed to perform poorly  
 9 so that he would write this letter in all innocence?  
 10 "Answer: No, I don't think there was a plan to keep  
 11 him in the dark."  
 12 Now, I've read you again a lengthy section of your  
 13 transcript from your evidence on 9 December, and against  
 14 that background, I now want to look at a document,  
 15 {KIN00025512}.  
 16 This is an email chain that was again disclosed to  
 17 us within this month, March 2021, and it's a chain from  
 18 12 and 13 June 2018, and relates to this  
 19 select committee hearing.  
 20 Can we go to page 2 {KIN00025512/2} and look at the  
 21 bottom of the page, please. You can see at the bottom  
 22 of page 2, it's an email from Tony Ryan of 12 June to  
 23 John Garbutt.  
 24 Just help me, what was Tony Ryan's role at this  
 25 time.

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1 A. So Tony Ryan works for the Panels division.  
 2 Q. I see. In what capacity, in what position does he work?  
 3 A. He's technical director, or a similar position.  
 4 Q. Right. So you say of a similar position; you mean  
 5 similar position to you?  
 6 A. No, to that title. He works alongside Mark Harris.  
 7 Q. Yes, I see.  
 8 Now, let's just look at what he says:  
 9 "Subject: Select committee hearing.  
 10 "John,  
 11 "I know Richard was subjected to media training  
 12 today and is preparing for the select committee hearing.  
 13 Richard's name was bounced around a number of times as  
 14 we anticipated that a MD or CEO would be called but as  
 15 we now know it's a Kingspan representative that is  
 16 required to attend.  
 17 "Personally, I think this is so important that we  
 18 need someone who's been very close to the various issues  
 19 over the last few months and who's on point with all the  
 20 evidence we have. This person needs to be technically  
 21 excellent and demonstrate their knowledge of testing in  
 22 a way that portrays Kingspan as absolute leaders in fire  
 23 testing etc. Therefore I think you'd be more suited to  
 24 represent Kingspan.  
 25 "This is a chance that we cannot risk. I'm sure

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1 Richard could deliver but I think you are better  
 2 positioned to do this."  
 3 Now, let's look at the response from John Garbutt  
 4 the next day, back to Tony Ryan. If we just scroll up,  
 5 John Garbutt tells Tony Ryan on 13 June 2018:  
 6 "Hi Tony  
 7 "Richard is going to be very good. He knows enough,  
 8 but not too much, which is helpful. The worst thing he  
 9 could do is a deep dive on detail. He needs to talk to  
 10 the MPs at their level of understanding."  
 11 What was meant -- well, first of all I should ask  
 12 you: did you see this email chain?  
 13 A. No.  
 14 Q. You didn't.  
 15 Did you find yourself involved at this stage in  
 16 discussing who should attend the select committee  
 17 hearing and give evidence?  
 18 A. I don't recall being involved in those discussions.  
 19 Q. Right.  
 20 When Mr Garbutt says he knows enough but not too  
 21 much, can you help us about what he meant there?  
 22 A. No.  
 23 Q. Is it a reference to Richard Burnley not knowing about  
 24 the intentionally weakened May test?  
 25 A. No. I don't know. I don't know what he's talking about

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1 there.  
 2 Q. Was it a reference about the intention to use the  
 3 Vitracore G2 panel and all that that involved as  
 4 a plan B in case the May test failed?  
 5 A. No, I don't know.  
 6 Q. Do you know what it is that Mr Burnley didn't know?  
 7 A. No, I don't know what Richard didn't know.  
 8 Q. Do you know why his not knowing too much would be  
 9 helpful?  
 10 A. No.  
 11 Q. Was he being put forward as Kingspan's spokesman before  
 12 the select committee because he had plausible  
 13 deniability?  
 14 A. No, I don't really -- I don't understand what that  
 15 phrase means and I don't understand -- I don't know if  
 16 that was ever discussed or thought about.  
 17 Q. Plausible deniability means that he could credibly say  
 18 he knew nothing when asked about the weakened tests in  
 19 May and the deliberate use of Vitracore G2 in July.  
 20 That's what plausible deniability means.  
 21 A. No, I don't know.  
 22 Q. You don't know.  
 23 The reason I ask you that question is because we  
 24 don't see his name on the March and April emails. Are  
 25 you saying or do you know that he didn't know or know

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1 enough about the plan to introduce weaknesses into both  
 2 tests in order to maximise their chances of failure?  
 3 A. I don't know what detail he knew. I know he knew of the  
 4 tests and that they were happening, but I don't know if  
 5 he knew the detail of the design elements of it.  
 6 Q. My question really is whether Richard Burnley was set up  
 7 as Kingspan's useful idiot; in other words knew enough  
 8 to argue Kingspan's case convincingly, but not enough to  
 9 compromise his integrity in the process?  
 10 A. I can't comment. I don't know.  
 11 Q. Let's move to a different topic, another email. This is  
 12 about what happened after the July test, and the email  
 13 I want to show you is {KIN00025168}.  
 14 This is an email chain between Gwyn Davies and  
 15 Mike Stenson on 3 July 2018, which is the day after the  
 16 test.  
 17 Can you help me, who is Mike Stenson?  
 18 A. I don't know his full title, but it's something like  
 19 group innovation director. So he runs the Innovation  
 20 Centre called IKON.  
 21 Q. IKON?  
 22 A. IKON, I think it's called, yeah, it's our group  
 23 Innovation Centre.  
 24 Q. Now, if you go to the second email down, you can see  
 25 that there is an email from Gwyn Davies on that day,

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1 3 July, to Mike Stenson, "Re: Dubai fire test":  
 2 "Hello Mike,  
 3 "Burnt yesterday morning they have to review the  
 4 [thermocouple] data as several were over 600 very close  
 5 to 30 seconds and flames reached top of the rig they  
 6 need to look if it was sustained flaming.  
 7 "We are chasing the results currently but there is  
 8 a danger it could have passed."  
 9 "A danger it could have passed". Do you agree that  
 10 that pretty much sums it up, doesn't it, that Kingspan's  
 11 intention and hope was that the test would fail?  
 12 A. We were certainly expecting it to fail, but --  
 13 Q. Right.  
 14 A. -- we didn't know until we tested.  
 15 Q. After the test failed, as we know it did, is it right,  
 16 do you know, that Kingspan then disseminated the test  
 17 widely? They sent it to Government, select committee,  
 18 BBC.  
 19 A. Yes, I was aware of that, yes.  
 20 Q. Not the May test though?  
 21 A. No.  
 22 Q. No. It's right that Kingspan, as we know, commissioned  
 23 no test report for the May test and told no one of its  
 24 existence.  
 25 A. That's correct.

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1 Q. Do you remember that this widespread dissemination of  
 2 the July test actually led to a legal dispute with  
 3 Valcan who made Vitracore G2?  
 4 A. I believe something was started, yes.  
 5 Q. Now, do you remember, we went through this when you gave  
 6 evidence in December, after notifying the  
 7 select committee of the July test, the Government, the  
 8 MHCLG, was keen to test Vitracore G2 itself, and they  
 9 asked Kingspan for some panels with which to do it? Do  
 10 you remember that?  
 11 A. I do, yes.  
 12 Q. In fact, after the July test, the Government indeed did  
 13 test some Vitracore G2. Do you remember that?  
 14 A. I don't know whether they tested it, but they definitely  
 15 had some sample.  
 16 Q. Right. Did you know whether you actually did send them  
 17 the Vitracore G2 you had or did they get that from  
 18 somewhere else?  
 19 A. No, I think we sent them the -- from what we'd used in  
 20 our test.  
 21 Q. It's right, isn't it, that they were able to confirm  
 22 that the Vitracore G2 that was being sold on the market  
 23 differed from the Vitracore G2 tested to classification  
 24 to A2?  
 25 A. I believe that's what they said, yes.

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1 Q. In essence, that's because there was more adhesive in  
 2 the bonding.  
 3 A. Yes. Potentially, yes.  
 4 Q. Now, let's look at another document, also disclosed to  
 5 the Inquiry within this month, March 2021,  
 6 {KIN00025285}. This is an email chain from  
 7 September 2018, so two months or so after the July test  
 8 which was done using the Vitracore G2 panel.  
 9 If we go to page 1 there on the screen, you can see  
 10 that there is an email of 19 September 2018, second one  
 11 down, where John Garbutt writes to Mark Harris, copies  
 12 you in, subject "RE: Janet Murrel", and we've  
 13 established that she worked for Exova, and he writes  
 14 this:  
 15 "We are trying to get hold of Janet Murrel, but  
 16 Adrian is struggling to get a response."  
 17 This is 19 September, as I say:  
 18 "It is about A1/A2 8414 test fails."  
 19 Was the Adrian that he is referring to there you?  
 20 A. I think so, yes.  
 21 Q. As opposed to Adrian Brazier?  
 22 A. No, I think it was me.  
 23 Q. Yes.  
 24 If you go over the page to page 2 {KIN00025285/2},  
 25 at the top of the screen, top of the page, he says:

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1 "MHCLG announced that they tested Vitracore G2 and  
 2 that the spec of what is on the UK market is not what  
 3 was tested when they got the A2 from BRE."  
 4 Then he goes on:  
 5 "They haven't tested it to see if it gets A2, it  
 6 appears, but they have contacted Trading Standards to  
 7 get Trading Standards to get G2 withdrawn.  
 8 "That being the case they have killed [our] failed  
 9 8414 on G2, which was our most powerful test."  
 10 By "killed [our] failed 8414 on G2", was  
 11 John Garbutt saying that your July test was now useless  
 12 for Kingspan's lobbying purposes?  
 13 A. I'm not sure. I think that might be what he's saying,  
 14 but I'm not sure.  
 15 Q. Well, when you received this email, how did you  
 16 understand what he was saying there?  
 17 A. Was this one to me, did you say?  
 18 Q. It was certainly copied to you, yes. If we go back to  
 19 the bottom of page 1, it was copied to you, so it would  
 20 have come into your inbox, I'm assuming you would have  
 21 read it.  
 22 So go back to page 2.  
 23 A. Okay.  
 24 Q. Third paragraph down:  
 25 "That being the case they have killed [our] failed

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1 8414 on G2, which was our most powerful test.”  
 2 How did you understand what John Garbutt was saying  
 3 there?  
 4 A. Yeah, I think that probably is what he’s trying to say  
 5 there.  
 6 Q. Yes, that the July test was now useless for Kingspan’s  
 7 lobbying purposes?  
 8 A. Potentially .  
 9 Q. Yes, and useless because it had been revealed that you  
 10 had used a panel that had an unreliable A2  
 11 classification and was self—evidently dangerous and  
 12 shouldn’t be used in the real world in a real system?  
 13 Yes?  
 14 A. Well, what they said was it’s a different — appears to  
 15 be a different product. They didn’t say what  
 16 performance it was. They didn’t say it failed to  
 17 achieve A2, they just said it was different from that  
 18 that was tested.  
 19 Q. Then in the next paragraph he says:  
 20 “Janet let it slip in a mail to Adrian that she has  
 21 another A2/A2 test fail, and we are, of course, aware of  
 22 an A1/2 test that was being done in Dubai by  
 23 [Wandsworth] Council than failed (it was burned whilst  
 24 we were building one of our rigs). Nick Jenkins also  
 25 refers to a Stackbond A2 (Spanish brand of ACM) with

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1 Rockwool insulation that failed in Dubai.”  
 2 Are you the Adrian that Mr Garbutt refers to in that  
 3 paragraph?  
 4 A. I think so, but I don’t recall exactly the mail from  
 5 Janet where she said that.  
 6 Q. I don’t believe we’ve seen an email to you from  
 7 Janet Murrel on this topic. Do you recall that there  
 8 was one?  
 9 A. No, that’s what I was just thinking, I haven’t seen one  
 10 either, and — but it may have been a telephone  
 11 conversation with her, but I —  
 12 Q. Well, it says “let it slip in a mail”, so it’s —  
 13 A. Yes, yeah, I haven’t — I don’t think I’ve seen that  
 14 recently.  
 15 Q. Right. Is that another document that we’re going to  
 16 have to ask Kingspan for?  
 17 A. Possibly, if you haven’t seen it, yeah, if it’s there.  
 18 Q. Right.  
 19 Can we go back to the document, please, and look at  
 20 the next paragraph. In the paragraph below the one I’ve  
 21 just read to you it says:  
 22 “We need a conversation with Janet to ask her to  
 23 find a way to get these fails into the public domain.”  
 24 Do you remember whether you had such a conversation  
 25 with Janet Murrel?

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1 A. I can’t recall specifically, but I do know we were  
 2 frustrated by the fact that there were test fails on  
 3 sort of linear route systems that were just not in the  
 4 public domain.  
 5 Q. Yes, my question was whether you recall actually having  
 6 a conversation with Janet Murrel on that topic?  
 7 A. I don’t recall specifically .  
 8 Q. Right.  
 9 How did you think at the time that Janet Murrel of  
 10 Exova was going to get confidential information such as  
 11 those fails, the test results from those failed tests,  
 12 into the public domain?  
 13 A. I don’t know how she would have done that. Unless she’d  
 14 have got permission from the test sponsor to do it, she  
 15 wouldn’t.  
 16 Q. Was John Garbutt implying here that she might somehow be  
 17 persuaded to leak these reports to Kingspan in some way?  
 18 A. I don’t think so. That’s not something, certainly with  
 19 my experience of Janet, she would even contemplate. So  
 20 I think — I don’t think so.  
 21 Q. Right.  
 22 How would that be done in practice? I mean, how  
 23 could Janet find a way of getting these fails into the  
 24 public domain, unless her clients were willing to put  
 25 them into the public domain?

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1 A. That’s the only route I can see, that the clients are  
 2 willing to share it .  
 3 Q. I see.  
 4 While we’re on the same topic, I would like to ask  
 5 you about a similar request from the April of 2018. Can  
 6 we go to {KIN00025426}, please.  
 7 I’m so sorry, I’m being reminded to go back to the  
 8 document we were on, quite rightly {KIN00025285/2}.  
 9 Before we leave it, there is a further question actually  
 10 I should have asked you.  
 11 In the penultimate paragraph, you can see in this  
 12 email:  
 13 “The reason for her to do this is that her UK  
 14 derived 8414 testing revenue will drop off a cliff if we  
 15 don’t get 8414 included in ADB either as an alternative  
 16 R2C [which I think is ‘route to compliance’] or as an  
 17 additional requirement for A1/2 systems.”  
 18 It’s said as the reason for her to do that.  
 19 Was the idea that there would be some commercial  
 20 advantage to Exova in ensuring that 8414 tests kept  
 21 coming in for them to do?  
 22 A. I don’t know what he’s thinking there, but they do do  
 23 8414 testing, amongst others. But I don’t think,  
 24 you know, the revenue stream from it would be something  
 25 that I’d talk to Janet about particularly, she was not

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1 a commercial person, so I don't think it measures up --  
 2 matches up.  
 3 Q. It appears that the way of persuading Janet Murrel to  
 4 find a way of putting these test fails into the public  
 5 domain was the alignment of your respective commercial  
 6 interests: Exova's in keeping on doing 8414 tests, and  
 7 indeed doing more of them, and yours in using 8414 as  
 8 the way of having combustible insulation used above  
 9 18 metres. Is that a fair way of looking at it?  
 10 A. It's one way of looking at it. I mean, I didn't write  
 11 that, so ...  
 12 Q. Now, let's go to the document I wanted to go to  
 13 {KIN00025426} from April 2018. This is an email with  
 14 the subject "Test proposal at Ulster". It's another  
 15 email from the March and April emails that we examined  
 16 back in December when you last gave evidence, but this  
 17 particular email only came to us on 10 March this year.  
 18 If you go to page 1 and the email dated 5 April 2018  
 19 from Mark Harris to John Garbutt and to you, and also  
 20 copied to Roy Weghorst, we can see that he says this:  
 21 "I was interested to hear that KIL has an 8414 test  
 22 coming up at BRE shortly. The discussion we had about  
 23 inviting the Select Committee to witness the test could  
 24 be very impactful. Another thought could be to  
 25 substitute the planned test with a test to demonstrate

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1 the linear route system can fail.  
 2 "What do you think about this and my message from  
 3 earlier today?"  
 4 Then if you go down to the email below that, the  
 5 email I've just shown you follows on from an email from  
 6 Mark Harris to John Garbutt and to you, also copied to  
 7 Roy Weghorst, and in the third paragraph of that he  
 8 says:  
 9 "I'm hoping that Phil can come up with the  
 10 information that we discussed last week -- that would be  
 11 ideal but I doubt that he'll be able to get the  
 12 information in the form needed. Roy had an idea of  
 13 getting [Brian] Martin to request test data from  
 14 Alucobond on passed and failed tests (similar to the  
 15 request he made to us?)."  
 16 Now, we know that Brian Martin was a senior official  
 17 at what was then the DCLG. Do you know who the Phil is  
 18 who is referred to there?  
 19 A. No, I don't know what information ... what it could have  
 20 been either discussed last week.  
 21 Q. Was the plan that if Brian Martin could get hold of the  
 22 data you were asking for or were suggesting then he  
 23 might be able to share it with you?  
 24 A. Well, I think if Brian Martin was able to get hold of  
 25 the failed test data, then theoretically we didn't need

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1 to do anything, because there was evidence there.  
 2 Q. What kind of relationship did you or did Kingspan,  
 3 rather, have with Brian Martin that you thought he might  
 4 work with you and share that kind of information with  
 5 you?  
 6 A. I don't know whether we thought he would share it with  
 7 us, but he would then at least be in possession of it,  
 8 and if you look there, there must have been a request  
 9 from Brian -- I can't quite recall, but a request from  
 10 Brian Martin for us to provide evidence to him of what  
 11 we'd got.  
 12 Q. Right. Did Kingspan ever consider whether a request  
 13 such as this would have been ethical for Brian Martin to  
 14 make?  
 15 A. I don't know. I don't know if it even went any further.  
 16 MR MILLETT: Mr Chairman, I haven't quite come to the end of  
 17 my questions, but I'm not far away, but I think this  
 18 might be a convenient moment.  
 19 SIR MARTIN MOORE--BICK: Yes. Well, you have got on pretty  
 20 quickly, but you don't need to worry that you haven't  
 21 finished.  
 22 I'm sorry to have to ask you to come back tomorrow,  
 23 Mr Pargeter. It sounds as though it won't take too  
 24 long, but I can't guarantee. Anyway, we're going to  
 25 stop there for this evening and resume at 10 o'clock

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1 tomorrow, please.  
 2 THE WITNESS: Yes.  
 3 SIR MARTIN MOORE--BICK: As before, please don't discuss your  
 4 evidence or anything to do with it over the break.  
 5 All right?  
 6 THE WITNESS: I understand.  
 7 SIR MARTIN MOORE--BICK: Thank you very much. We look  
 8 forward to seeing you tomorrow.  
 9 THE WITNESS: Thank you.  
 10 SIR MARTIN MOORE--BICK: Thank you.  
 11 That's all as far as the proceedings are concerned  
 12 for today.  
 13 10 o'clock tomorrow, thank you.  
 14 (4.30 pm)  
 15 (The hearing adjourned until 10 am  
 16 on Wednesday, 24 March 2021)

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