



Grenfell Tower Inquiry

Day 85

December 9, 2020

Opus 2 - Official Court Reporters

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1 Wednesday, 9 December 2020  
 2 (10.04 am)  
 3 SIR MARTIN MOORE—BICK: Good morning, everyone. Welcome to  
 4 today's hearing. Today we're going to hear further  
 5 evidence from Mr Adrian Pargeter, so would you ask  
 6 Mr Pargeter to come back in, please.  
 7 MR ADRIAN WESTLEY PARGETER (continued)  
 8 SIR MARTIN MOORE—BICK: Good morning, Mr Pargeter.  
 9 THE WITNESS: Good morning.  
 10 SIR MARTIN MOORE—BICK: Sorry we've kept you waiting a bit,  
 11 but we're ready to go now.  
 12 THE WITNESS: Okay.  
 13 SIR MARTIN MOORE—BICK: Yes, Mr Millett.  
 14 Questions from COUNSEL TO THE INQUIRY (continued)  
 15 MR MILLETT: Mr Chairman, members of the panel, good  
 16 morning.  
 17 Mr Pargeter, good morning.  
 18 A. Good morning.  
 19 Q. I'm going to ask you now about a campaign called the  
 20 "Reasons Why" campaign from May 2015. Do you remember  
 21 the existence of such a campaign?  
 22 A. Yes, I do, yes.  
 23 Q. Can we look at {KIN00008528}, please. Here is the first  
 24 page of a document called "Kingspan Kooltherm K15  
 25 Rainscreen Board, Reasons Why Campaign".

1

1 Is that the first page of a document you can tell us  
 2 about? Are you familiar with the document?  
 3 A. I think so.  
 4 Q. Right. Let's look at the first page {KIN00008528/2}.  
 5 We can see on that page, "Aim", "Objectives", "How",  
 6 "Audience", "Tactical output".  
 7 Just looking at that page, is this a document that  
 8 you are familiar with from that time?  
 9 A. I haven't seen this recently.  
 10 Q. No, but now I'm showing it to you, are you familiar with  
 11 it from that time?  
 12 A. What was the date again, sorry?  
 13 Q. Well, I was hoping you might be able to tell me, but we  
 14 think it's May 2015. Is that right? Or is it later?  
 15 A. I'm not sure.  
 16 Q. Well, let me see if I can do better.  
 17 Can we go to {KIN00008255}, please. This is  
 18 an email from you to Cathy Barlow, she is the PR person  
 19 you were engaging at the time, as you told us yesterday.  
 20 A. Yes.  
 21 Q. Wednesday, 6 May 2015. You say:  
 22 "Hi Cathy  
 23 "We have now put together a brief of our thoughts on  
 24 a mini campaign to cover the routes to compliance for  
 25 K15, addressing the fire issues as previously

2

1 discussed."  
 2 In the next paragraph you say:  
 3 "The main focus is on producing the technical  
 4 bulletin and we have attempted a basic structure and  
 5 mind dumped our thoughts around what it needs to say  
 6 (pages 4–6)."  
 7 So it looks as if, looking at the attachments, you  
 8 had something called version 2 of the routes to  
 9 compliance document, technical bulletin.  
 10 Was this a document that you attached at the time or  
 11 was created by you at the time?  
 12 A. Well, the routes to compliance is a document that I am  
 13 aware of, and I think maybe that other document was  
 14 an early part of that, what became routes to compliance.  
 15 Q. Yes, thank you.  
 16 Did you commission this routes to compliance  
 17 document, assuming that that's the one you sent to  
 18 Cathy Barlow on 6 May?  
 19 A. Yes.  
 20 Q. Right.  
 21 Let's go back to the document, {KIN00008258/2},  
 22 please, and at the top it says:  
 23 "AIM  
 24 " ■ Instill confidence in Kingspan Kooltherm K15  
 25 Rainscreen Board and provide reassurance when used in

3

1 buildings with a habitable storey 18 metres or greater  
 2 above ground level.  
 3 "OBJECTIVES  
 4 " ■ Reduce loss of Kingspan Kooltherm K15 Rainscreen  
 5 Board specifications and ensure all specifications  
 6 gained result in an installation .  
 7 " ■ Stem the tide of Rockwool specifications, and  
 8 also Celotex & Extra Therm.  
 9 " ■ Rebuff NHBC note that has 'allegedly' made the  
 10 BCB & installer nervous and provide a justifiable  
 11 counter argument."  
 12 Just pausing there, given that K15 would not be  
 13 suitable for all eventual specifications, this was quite  
 14 an aggressive objective, wasn't it?  
 15 A. I wouldn't say it was aggressive, but it looked to  
 16 maximise the campaign.  
 17 Q. It says, "Rebuff NHBC note" there in the third bullet  
 18 point; what was that note?  
 19 A. I don't recall what that note was.  
 20 Q. Do you remember how the NHBC was nervous or allegedly  
 21 nervous, or rather their views were making the BCB and  
 22 installers nervous?  
 23 A. I can't recall .  
 24 Q. What was the counterargument, do you think, the  
 25 justifiable counterargument that you were reaching for,

4

1 referred to there?

2 A. It might have been the guidance for using desktop

3 studies, but I can't recall.

4 Q. Right.

5 Looking down the page a little further, we come to

6 the "How":

7 "■ Provide clarity on the overarching issue of

8 insulation in rainscreen applications from a fire safety

9 in buildings perspective.

10 "■ Spin such that the story is not fire, fire, fire

11 all the time i.e. talk about thermal, speed of

12 installation etc.

13 "■ Present a compelling case for the use of Kingspan

14 Kooltherm K15 Rainscreen Board by: giving reasons why it

15 should be used; gathering a body of evidence to support

16 the case; and bolstering the above by drawing upon

17 third party research.

18 "■ Educate the industry in matters of combustibility

19 (None, limited, combustible) and its insignificance in

20 terms of individual product performance in the grand

21 scheme of things.

22 "■ Promote the added value services that KIL offers.

23 (standard back page we will guide you through the

24 process)."

25 Now, can you explain what you mean there by "Spin

5

1 such that the story is not, fire, fire, fire, all the

2 time?"

3 A. Yeah, I think fire was obviously an important element,

4 but for our products as well they're very high thermally

5 performing, and because of their lightness are a lot

6 easier to handle and install, and so it was a matter of

7 achieving a balance between all of those factors, rather

8 than just focusing on one element.

9 Q. Right. So the message — is this right? — was that you

10 wanted customers for K15 not to regard fire safety as

11 the priority?

12 A. No, it was to achieve a balance of the other factors as

13 well as fire safety.

14 Q. An equal balance?

15 A. Well, just a balance between them.

16 Q. When you say balance, was fire safety being brought down

17 to the same level as thermal performance or —

18 A. No, it would —

19 Q. — would it still remain the priority?

20 A. Fire should still be a priority, but the other elements

21 need to be there as well.

22 Q. Well, you say "a priority". Only one thing can be

23 a priority, can't it? That's why I phrased the question

24 as I did. Was the message to the customers that they

25 should not regard fire safety as the priority?

6

1 A. No, not that they should not regard it as the priority.

2 Q. So you're saying it should be just one of a number of

3 things treated the same way equally across the board?

4 A. No, I think fire should be treated as the priority, but

5 not exclusively. It should be there balanced by the

6 other elements as well.

7 Q. Looking at it another way, the message I think you were

8 looking to get across — is this right? — is that you

9 would spin the story so that fire would become less

10 important in the eye of the customer, and that other

11 matters — thermal performance, et cetera — would

12 become more important.

13 A. No, that they would be there as well.

14 Q. It looks from these words, at least — is this fair? —

15 that the document shows us that the basic aim of the

16 campaign was to seek to draw attention away from

17 fire safety in favour of emphasising the benefits of

18 K15, such as thermal performance.

19 A. Not away from fire safety.

20 Q. Well, how do you explain, "Spin such that the story is

21 not fire, fire, fire all the time"?

22 A. Because it says "all the time". So instead of it being

23 the only element of it, it needed to have, like I say,

24 the balance of the thermal performance and the speed as

25 well. So it's not that it shouldn't be there; it's that

7

1 it should also have the other elements with it.

2 Q. How do you explain, "Educate the industry in matters of

3 combustibility ... and its insignificance in terms of

4 individual product performance"? That's not treating

5 fire safety as equal to individual product performance;

6 it's treating it as less significant, isn't it?

7 (Pause)

8 A. Yeah, I'm not sure exactly what it's getting at there,

9 looking at this now.

10 Q. Well, I'm suggesting to you that what it's getting at

11 there is the reduction of importance of fire safety and

12 an increase of importance of the individual product

13 performance in the grand scheme of things. That's what

14 I'm suggesting to you, and you are struggling with it.

15 A. Yeah, that's not the intention, to reduce the element of

16 fire safety, but, like I say, to make sure that it's not

17 the only topic that we're talking about.

18 Q. This is a grossly irresponsible message, I have to

19 suggest to you, to send to the market, that customers

20 and indeed building control bodies should regard matters

21 of combustibility as insignificant in the grand scheme

22 of things. Do you accept that?

23 A. I think, looking at it within the system, whether the

24 products are non, limited or combustible, if the system

25 passes the requirement, then it's a safe system. So

8

1 that's, I think, where we're trying to get to there, is  
 2 that, you know, combustible materials can be used  
 3 safely, whether — and against even non and limited  
 4 combustible products in a system.  
 5 Q. Well, yes. Now, you have jumped to a point I'm going to  
 6 explore in some detail with you, and we'll explore what  
 7 you have just said in some detail. But I just want to  
 8 see if I can get an answer to my question.  
 9 Do you accept that telling the industry or educating  
 10 them with a message that matters of combustibility were  
 11 insignificant in terms of individual product performance  
 12 in the grand scheme of things was grossly irresponsible?  
 13 A. I don't think it was grossly irresponsible because  
 14 I don't think that was the intention; it was, like  
 15 I say, to balance it with the other factors.  
 16 Q. Let's move down the page. "Tactical Output", first  
 17 bullet point:  
 18 "Technical Bulletin — Fire Safety in Rainscreen Clad  
 19 Buildings with a Storey 18m or Greater Above Ground  
 20 Level: Routes to Compliance using Kingspan Kooltherm K15  
 21 Rainscreen Board."  
 22 I think we then go to page 4 {KIN00008258/4} in this  
 23 document. This is the "Proposed Content", technical  
 24 bulletin, so this is part of the same document.  
 25 Again, you saw this at the time, did you, early

9

1 May 2015? It looks like an early version of the  
 2 technical bulletin that of course was published in  
 3 August, but was attached to your email to Ms Barlow on  
 4 6 May.  
 5 A. I may have done. I mean, that previous document,  
 6 I don't recall at all, so that may be that it was early  
 7 correspondence with the marketing team with Cathy. So  
 8 this may be the same as well.  
 9 Q. Okay. It all looks part of the same document, which is  
 10 why this is on page 4, but on page 5 {KIN00008258/5} we  
 11 can see a heading "Regulatory considerations", can you  
 12 see that? And it says here:  
 13 "Requirements in Great Britain — England & Wales and  
 14 Scotland."  
 15 Then the last bullet point in that list says this:  
 16 "Plant seed of doubt without crossing any lines that  
 17 i.e. that it is possible to specify a component that is,  
 18 to all intents and purposes, compliant with the  
 19 individual product performance requirements of ADB2 and  
 20 THB2 [Technical Handbook 2 in Scotland], but which, when  
 21 built into a system, would fail the rigours of the large  
 22 scale tests because of the complexity of the  
 23 interactions between the various components."  
 24 That's I think the point you were making earlier,  
 25 wasn't it, about systems?

10

1 A. Yes, I think it is, yes.  
 2 Q. When it says, "Plant seed of doubt without crossing any  
 3 lines", what was going on there? What does that mean?  
 4 A. I don't know. I don't recognise this.  
 5 Q. You don't recognise the document or you don't recognise  
 6 the language?  
 7 A. Well, this document.  
 8 Q. It seems to have come from your department, though, and  
 9 originated with your department, and at this time —  
 10 A. Yeah.  
 11 Q. — you were or at least about to become head of  
 12 technical as well as head of marketing.  
 13 A. Yeah.  
 14 Q. So given that it was marketing, it was already within  
 15 your dominion, wasn't it?  
 16 A. Yes, yes.  
 17 Q. So can we proceed on the basis, Mr Pargeter, that you  
 18 were responsible for it?  
 19 Can you then explain, just going back to my  
 20 question, what, "Plant seed of doubt without crossing  
 21 any lines" was intended to mean or reflect?  
 22 A. I can't. Like I say, I don't recognise this.  
 23 Q. Right.  
 24 Was the idea that the aim of the campaign was to get  
 25 customers and regulators, such as there were any,

11

1 institutions, building control bodies, to start to doubt  
 2 whether the label of "non-combustible" or "limited  
 3 combustibility" were really reliable, but on the other  
 4 hand to promote system tests, the alternative route to  
 5 compliance?  
 6 A. I think it could well be, because I think it was our  
 7 belief that system testing rather than reliance on  
 8 individual product performance is a safer way to  
 9 proceed, particularly in high-rise buildings, rather  
 10 than just relying on the individual classification of  
 11 a given product.  
 12 Q. Was this targeted as Rockwool, in an attempt to gain  
 13 back market share taken by non-combustible competitors,  
 14 by creating the impression that those products are  
 15 themselves unsafe or of less reliable safety?  
 16 A. No, it's not — it wasn't aimed at any one particular  
 17 company, it would have been at the limited and  
 18 non-combustible product assumption that, because they  
 19 are labelled so, then the system that they are in is  
 20 safe.  
 21 Q. Right.  
 22 Changing my question very slightly, and swapping the  
 23 word "Rockwool" for "mineral wool", was this message  
 24 aimed at shaking the foundations of trust in  
 25 non-combustible and limited combustibility materials

12

1 such as mineral wool fibre in order to promote a greater  
 2 market share for K15?  
 3 A. No, not shaking the trust of an individual product as  
 4 labelled, it's more of the system that then created.  
 5 Q. It says, "Plant seed of doubt"; doubt what?  
 6 A. Doubt that it's — just because these products are  
 7 labelled as they are, when they're combined in  
 8 a system —  
 9 Q. Can we go over to page 6 —  
 10 A. — you get the same result.  
 11 Q. I'm so sorry, I interrupted your answer. Do you want to  
 12 finish your answer?  
 13 A. I think I said, "you get the same result", that's how  
 14 I finished.  
 15 Q. Can we go to page 6 {KIN00008258/6}, please, under the  
 16 heading "Routes to compliance for Kingspan Kooltherm K15  
 17 rainscreen". In the fourth bullet point there it says:  
 18 "Introduce the fact that we support a wider range of  
 19 bodies allowed to do [desktop] reports and not restrict  
 20 to UKAS approved which is [limited] to 2–4 bodies and  
 21 slows down the whole process leading to jobs being lost.  
 22 We propose that qualified fire engineers in general  
 23 should be allowed to do this report."  
 24 So it looks like you were proposing that  
 25 unaccredited fire engineers be permitted to do desktop

13

1 studies in order to speed things up and broaden the  
 2 market; is that right?  
 3 A. Not unaccredited. I think every fire engineer, in order  
 4 to be a fire engineer, is accredited to one body or  
 5 another. But the ones that were accredited to UKAS  
 6 weren't that many, and it was holding up a lot of  
 7 construction and — desktop studies, rather, coming  
 8 through the body. So it wasn't that they weren't  
 9 accredited, it's just that they weren't accredited  
 10 specifically with UKAS.  
 11 Q. I think then the fault lies in my question.  
 12 Were you proposing that fire engineers who were  
 13 qualified but nonetheless not accredited by UKAS be  
 14 permitted to do desktop studies in order to speed things  
 15 up and broaden the market?  
 16 A. Yes.  
 17 Q. Is that another example of Kingspan willing to dispense  
 18 with necessary safeguards and checks in order to  
 19 increase the sales of K15?  
 20 A. Not at all.  
 21 Q. So what was holding things up with having desktop  
 22 reports done only by UKAS—approved fire engineers?  
 23 A. Just that there weren't — there wasn't enough approved  
 24 via UKAS to cope with the amount of work or potential  
 25 work that was coming through.

14

1 Q. Did you not see the UKAS accreditation system as adding  
 2 an extra layer of safeguards, or was it just another lot  
 3 of red tape?  
 4 A. No, it was just, you know, I wasn't 100% sure why only  
 5 the UKAS one was picked to use, but it wasn't taking  
 6 away a layer of responsibility, if you like.  
 7 Q. Were you not thereby willing to do away with whatever  
 8 safeguards the extra accreditation UKAS brought?  
 9 A. No, because I wasn't aware it did bring any extra  
 10 safeguards.  
 11 Q. That's why I'm asking you. So it was just another lot  
 12 of red tape, was it?  
 13 A. It was just slowing down the process.  
 14 Q. What was the purpose of the UKAS accreditation?  
 15 A. I don't really know the details for what's the  
 16 difference between the different accreditation bodies,  
 17 the difference between a UKAS one and a non—UKAS one for  
 18 a fire engineer.  
 19 Q. Did you or anybody to your knowledge actually think  
 20 about the benefits that UKAS accreditation brought to  
 21 the desktop system which removing the UKAS restriction  
 22 would lose?  
 23 A. I can't recall we did.  
 24 Q. Was this suggested widening of the scope of those who  
 25 could draft a desktop assessment something that was

15

1 discussed with the NHBC in relation to BCATGN18?  
 2 A. I can't recall.  
 3 Q. Let me move on to the question of the NHBC again and go  
 4 back to this.  
 5 Now, you say in your first witness statement,  
 6 please, if we can go to that, at page 16  
 7 {KIN00000494/16}, paragraph 4.20:  
 8 "Between about January 2014 and November 2015,  
 9 Kingspan was in regular contact with the NHBC regarding  
 10 the use of K15 in buildings over 18 metres high. I have  
 11 been directly involved in these discussions only since  
 12 February 2015 and the details I provide below of the  
 13 discussions prior to that date are solely based on my  
 14 review of relevant documentation."  
 15 So just pausing there, it's clear, I think, what  
 16 you're saying here in this statement, your first  
 17 statement, is that before February 2015 your evidence is  
 18 simply based on a review of the documents, but you have  
 19 live recollection from your personal involvement after  
 20 February 2015.  
 21 A. I think that's correct.  
 22 Q. Yes.  
 23 Now, you told us yesterday, and I showed you the  
 24 note of the March 2015 meeting at {NHB00000977}, that  
 25 you weren't aware of that meeting.

16

1 A. Yes, I didn't recall that meeting.  
 2 Q. Right. That's {Day84/167:3-24}, just for our  
 3 transcript. I don't need to show you the transcript;  
 4 I think you can recall the evidence you gave.  
 5 A. Yes.  
 6 Q. Can you explain why you say you weren't aware of that  
 7 March meeting given, as you say in your statement, that  
 8 you were directly involved in the discussions with NHBC  
 9 from February 2015?  
 10 A. I think because I didn't attend that meeting, so  
 11 I wasn't directly involved in that meeting.  
 12 Q. Were you indirectly involved in it, in the sense of  
 13 discussing preparations for it or discussing what  
 14 happened at the meeting with those who did attend it?  
 15 A. No.  
 16 Q. When you say, "I have been directly involved in these  
 17 discussions only since February 2015", that's not  
 18 correct, then, is it?  
 19 A. That may be earlier than —  
 20 Q. Right.  
 21 A. — my first meeting with them.  
 22 Q. When did you become directly involved in the discussions  
 23 with NHBC?  
 24 A. I think later on in the statement I highlight all the  
 25 meetings that I've been present at.

17

1 Q. Right. Being present at the meeting is one thing, but  
 2 you can also be in email contact with NHBC or talking to  
 3 them on the telephone.  
 4 A. Yes, that's true.  
 5 Q. So when was it that you first began having direct  
 6 contact with the NHBC?  
 7 A. Oh, I can't recall precisely when the first contacts  
 8 were.  
 9 Q. At the time you became involved, did you detect that the  
 10 relationship between Kingspan and the NHBC was, to some  
 11 extent, strained, there were difficulties?  
 12 A. Yeah, yes, my first involvement with it was — that  
 13 would be my impression.  
 14 Q. Were you aware when you did become involved that the  
 15 NHBC had been seeking fire test data to approve the use  
 16 of K15 over 18 metres since 2013, some two years or so  
 17 before?  
 18 A. Yes, I believe so.  
 19 Q. Do you remember that NHBC had said that they would stop  
 20 approving the use of K15 and, in response, Kingspan had  
 21 threatened an injunction through their solicitors? Do  
 22 you remember that?  
 23 A. Yes.  
 24 Q. And do you remember Fenwick Elliott solicitors being  
 25 engaged by Kingspan to send a letter threatening

18

1 litigation on 13 February 2015?  
 2 A. I'm aware of that letter, yes.  
 3 Q. Were you involved in the decision to instruct  
 4 Fenwick Elliott to write that letter?  
 5 A. I was involved in discussions internally, I think two  
 6 meetings, I think, or calls I was involved in at the  
 7 time, but most of the decisions and discussions were  
 8 taken by others. There were other meetings.  
 9 Q. Who made the decision, do you recall, to send the letter  
 10 or to ask Fenwick Elliott to send such a letter? We can  
 11 look at the letter if you like.  
 12 A. I think Tony engaged — Tony Millichap engaged  
 13 Fenwick Elliott initially, and then there was a team of  
 14 people involved in the calls regarding the progression  
 15 to that letter, is how I'd describe it.  
 16 Q. When Tony Millichap engaged Fenwick Elliott, did he do  
 17 so under your instruction or did he do it of his own  
 18 volition and then tell you about it?  
 19 A. It wasn't on my instruction, Tony Millichap —  
 20 Q. Who did make the ultimate decision to threaten  
 21 an injunction, can you tell us?  
 22 A. No, I don't know who exactly.  
 23 Q. Can I go to your second statement, please, page 65  
 24 {KIN00020824/65}, and I want to look at  
 25 paragraph 6.43(c) on that page. You say there:

19

1 "In 2015, Kingspan worked with the NHBC to agree the  
 2 terms of the NHBC Note published in or about March 2015  
 3 in support of the BCATGN18 and which, as explained in  
 4 paragraph 4.76 above, endorses the BCA Guidance as  
 5 setting out acceptable methods for demonstrating  
 6 compliance with the Building Regulations as required by  
 7 the NHBC standards."  
 8 Does that tell us that Kingspan's work with the NHBC  
 9 in March 2015 was against the background of Kingspan's  
 10 solicitors, Fenwick Elliott, threatening the NHBC with  
 11 an injunction if they told the market that K15 was  
 12 unsuitable for use above 18 metres?  
 13 A. It's certainly in around the same time.  
 14 Q. So NHBC's discussions — is this right? — with Kingspan  
 15 in March took place with the threat of legal action  
 16 hanging over them?  
 17 A. I can't recall exactly when that letter was dated, the  
 18 legal injunction.  
 19 Q. 13 February 2015. For our transcript reference, it's  
 20 {NHB00000941}. We can look at it if you like, but —  
 21 A. No, if that's the date, then the answer is yes, correct.  
 22 Q. So I think the answer is yes.  
 23 To your knowledge, was the NHBC told that the K15  
 24 being sold at that time, the first quarter of 2015, was  
 25 not in fact the K15 as tested in 2005?

20

1 A. No, I don't believe so.  
 2 Q. Now, a meeting took place with the NHBC on 18 June 2015  
 3 which I think you did attend, didn't you?  
 4 A. Yes.  
 5 Q. Just to prompt your recollection, there were a number of  
 6 things discussed, including a list of about 184 projects  
 7 for which queries existed on the use of K15.  
 8 A. That's correct.  
 9 Q. Do you have a recollection of that meeting?  
 10 A. Yes.  
 11 Q. Let's look at the note, {KIN00002499}, please. I am  
 12 afraid it says July at the top, but we all, I think,  
 13 think that's erroneous, and I think Ivor Meredith  
 14 confirmed that that was wrong and it should have been  
 15 June.  
 16 The first action there — well, you can see who was  
 17 there: you were there, as was Richard Burnley and  
 18 Ivor Meredith, and five individuals from NHBC, including  
 19 Steve Evans, Graham Perrior and Dave White.  
 20 The first action there in box 1 under "Action" is:  
 21 "Details of all tests carried out to date as well as  
 22 forward testing programme (wall typologies,  
 23 timescales/duration and sequencing) to be provided to  
 24 NHBC."  
 25 We can see on the right-hand side "Who: Kingspan,

21

1 (AP/IM)". That's you and Mr Meredith, isn't it?  
 2 A. Ivor, yes.  
 3 Q. And "By: 19 June", which was actually the next day. So  
 4 it was urgent, wasn't it?  
 5 A. Yes.  
 6 Q. Do you know whether that was done, whether the action  
 7 point was carried out?  
 8 A. I think it was. I think Ivor sent the list that they  
 9 were requesting.  
 10 Q. Well, I ask you that because do you remember there was  
 11 a meeting later in the year, on 12 October 2015, that  
 12 you attended with Adam Brazier(sic)?  
 13 A. Adrian Brazier?  
 14 Q. Adrian Brazier.  
 15 A. Yes.  
 16 Q. Let's go to that, {NHB00001199}, please. That's the  
 17 note of the meeting. Again, you're present there with  
 18 Adrian Brazier, the same individuals there from NHBC,  
 19 "Meeting 12 October 2015". Action 1:  
 20 "Kingspan to compile comprehensive list of all tests  
 21 including K15 (Passed/Failed/Planned) including details  
 22 of ownership of results and where the test data can be  
 23 obtained from (including contact details) and who by  
 24 (NHBC/Builders/Fire Engineers etc)."  
 25 We can see that again "Who" is "Kingspan (AP/AB)",

22

1 and 23 October 2015 is the "By" date.  
 2 So it looks as if you were asked for a second time  
 3 to provide a list of Kingspan test data to the NHBC.  
 4 Was that new data that you were being asked for, or  
 5 was it a prompt to provide what was indicated you should  
 6 have provided earlier in the year, in June?  
 7 A. I was sure Ivor had sent something, so it may be just to  
 8 give any new data.  
 9 Q. Was it discussed at the meeting that whatever they had  
 10 been sent by Ivor Meredith in June was not satisfactory,  
 11 and that NHBC needed far more detail?  
 12 A. I can't recall that detail, but possibly. But I can't  
 13 recall that.  
 14 Q. Right. And looking at item 2:  
 15 "Kingspan to provide updated Project Query List  
 16 containing details of current enquiries received from  
 17 builders/designers. (circa 200)."  
 18 A. Yes.  
 19 Q. "Kingspan (AP/AB). 23 October 2015."  
 20 So that's only ten days hence, isn't it? So, again,  
 21 further detail there.  
 22 The reference to the "circa 200", was that  
 23 a reference to 200 or so outstanding queries on the use  
 24 of K15 over 18 metres?  
 25 A. That was the query list which Kingspan had developed —

23

1 Q. Right, and —  
 2 A. Project —  
 3 Q. — under item 4:  
 4 "Kingspan to provide desktop study reports  
 5 supporting the eight examples shown in 'Routes to  
 6 Compliance: Fire Safety' Appendix C (pages 18 and 19)."  
 7 Is that a reference to the document that was  
 8 published in August?  
 9 A. Yes, that's correct.  
 10 Q. Did you provide the desktop reports referred to in the  
 11 routes to compliance document that you had published  
 12 two months or so before?  
 13 A. I believe so.  
 14 Q. Were they subsequently approved by the NHBC, do you  
 15 remember?  
 16 A. I don't recall.  
 17 Q. You don't recall?  
 18 A. No.  
 19 Q. Can we then go to July 2016, {KIN00002297}, please.  
 20 This is an email chain from July 2016, about a year  
 21 after the discussions we have just been looking at,  
 22 a year or nine months or so after that, and if you look  
 23 at page 1 at the bottom, we can see that there is  
 24 an email from Adam Heath on 8 July to you and to  
 25 Adrian Brazier, Mo Asif Irfan and others, and if you go

24

to the top of page 2 {KIN00002297/2}, Adam Heath says:  
 "Yesterday at the NHBC facades conference (at which  
 NHBC, DCLG, BRE and Exova presented) NHBC unveiled a new  
 technical note which will be expanded in the future as  
 more test evidence becomes available. Basically they  
 have taken all the test evidence available in the market  
 featuring combustible insulations (6 Kingspan,  
 2 Xtratherm, 1 Celotex) to come up with 3 standard wall  
 build ups that they deem automatically compliant. They  
 all have a number of caveats and any deviation from one  
 of these 3 wall types will still require supporting  
 evidence in line with BCA TGN 18.

"The basic wall build up behind the cladding is the  
 same in all instances which is as follows ... "

Then a list is set out. You can see that there.

Now, that news is then sent on, if you look back up  
 the email chain, please, to page 1 {KIN00002297/1}, by  
 you to Gwyn Davies, Roy Weghorst, and John Garbutt, the  
 same day, a few hours later. You say:

"Gents

"Interesting development from NHBC, they have  
 effectively eased the passage of compliance for  
 a selection of combustible insulation brands (K15  
 included) in three select build ups in high rise  
 rainscreen applications.

25

"Overall, I feel this is good news, as it shows a  
 shift in thinking and an acceptance of combustible  
 insulation and I am sure is a direct result of our  
 testing and campaigning on this issue. However the bad  
 and annoying news is that it also allows Cellotex (sic)  
 and Xtratherm (after relatively little effort) to ride  
 in on our shirt tails and will put significant pressure  
 on us in these select applications."

Now, did you perceive at the time, when you say that  
 you're sure it's a "direct result of our testing and  
 campaigning on this issue", that you had had some part  
 to play in the apparent relaxation by the NHBC in their  
 new guidance in July 2016?

A. Yeah, I thought that the evidence that we'd provided  
 them had helped with their thinking, but also, you know,  
 with other work they were doing, we were sure we were  
 involved.

Q. What testing are you referring to there?

A. That would have been our large-scale testing at the  
 time.

Q. Would that have included your July 2014 test?

A. It would, yes.

Q. Which by this time you would have known, of course, was  
 not the same K15 as being used on buildings. You would  
 have known that.

26

A. No, I didn't. It wasn't until later that I discovered  
 that.

Q. You would have known it, because you knew in July 2014  
 that it was a research and development product.

A. I knew that that test --

Q. Yes.

A. But at this time, I hadn't put that together, that that  
 was the same test as we were using.

Q. No, we're at cross-purposes.

You would have known at this time that -- well, let  
 me ask it this way: was one of the tests that you were  
 referring to that was sent to the NHBC the July 2014  
 test?

A. It was.

Q. Therefore, you would have known that the NHBC had relied  
 upon that test, which was not on K15 as standard but on  
 a development product, to relax the approach that they  
 displayed in their July 2016 document?

A. No, because I didn't become aware that that was that  
 test, that that was there, if you see what I mean,  
 I explained earlier.

Q. When you say you weren't aware that test was there --

A. That test was there, but I hadn't made the connection  
 that it was the development test until later on.

Q. I thought you realised it was a development test from

27

2014 at the time, because you were involved in it.

That's what you told us earlier.

A. What I said was that I was aware of a development test,  
 but then when that test started to be used, I didn't  
 make the connection that it was the same test.  
 I thought it was possibly a standard product test.

Q. Oh, I see. This is back to the same non-connection  
 point we discussed yesterday?

A. Yes.

Q. So this is another occasion on which you failed,  
 a seventh occasion I think, to make the connection  
 between use of standard K15 in the market and the fact  
 that the July 2014 test had been on a development  
 product?

A. Yes.

Q. I see.

Let me just ask you this about testing: is it right  
 that you had done no tests with ACM panels by July 2016?

A. That's correct.

Q. So when it says, as it does, in the email that one of  
 the wall build-ups was ACM, that wasn't presumably  
 a reference to a Kingspan test?

A. No.

Q. Did you know, or do you know even today, what test that  
 was?

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1 A. I don't.  
 2 Q. Do you know or did you know at the time what the Celotex  
 3 desktop was?  
 4 A. No. Celotex desktop?  
 5 Q. Or the test evidence which was submitted by Celotex.  
 6 A. No, I think we were aware that Celotex had a test.  
 7 Q. Right.  
 8 A. I assumed it would be that test.  
 9 Q. But you can't help me further with that?  
 10 A. No.  
 11 Q. Campaigning you refer to, testing and campaigning on  
 12 this issue. What campaigning? Was that the campaign —  
 13 A. Routes to compliance.  
 14 Q. Right. So you saw at least some kind of link, testing,  
 15 campaigning, between Kingspan's testing and campaigning  
 16 in 2015 and the NHBC technical note which emerged in  
 17 July 2016?  
 18 A. Yes, I saw a link.  
 19 Q. Did you have any direct communications with the NHBC  
 20 about the production of that July 2016 guidance?  
 21 A. I think we may have showed them the routes to compliance  
 22 document.  
 23 Q. Right. All right. But did you have any input or did  
 24 anybody in your team have any input into the creation or  
 25 drafting of the guidance itself that came out from the

29

1 NHBC in July 2016?  
 2 A. No, not that I'm aware of.  
 3 Q. Right.  
 4 Do you know what had happened in between the period  
 5 October 2015 and the meeting, the minute of which we saw  
 6 a moment ago, and July 2016, which impelled NHBC  
 7 suddenly to approve combustible insulation above  
 8 18 metres in those three designated wall build-ups?  
 9 A. Not specifically anything.  
 10 Q. I'm going to turn to a slightly different topic, which  
 11 is lobbying after the fire.  
 12 It's right, isn't it, that after the Grenfell Tower  
 13 fire in June 2017, Kingspan launched a campaign relating  
 14 to combustible materials used over 18 metres?  
 15 A. Yes, that's correct.  
 16 Q. I think — is this right? — that the name of that  
 17 campaign was the Kingspan political engagement plan?  
 18 A. I don't recognise that —  
 19 Q. You don't?  
 20 A. — phrase.  
 21 Q. Let's look at a document, {KIN00008120}. Now, this is  
 22 a document called "Kingspan political engagement plan",  
 23 and this is the first page of it, with a designed  
 24 get-up, so this is a created document. Do you recognise  
 25 it?

30

1 A. No.  
 2 Q. You don't.  
 3 A. Not instantly.  
 4 Q. It doesn't carry a date inside it, but the Inquiry has  
 5 discovered that the file name bears a date of  
 6 August 2017. Does that help you with your recollection?  
 7 A. No.  
 8 Q. Have you ever seen this document before, do you think?  
 9 A. I certainly don't recall that cover.  
 10 Q. Right. Well, let's look on into the document.  
 11 It seems to be drafted by some people called  
 12 Portland. Do you know who Portland are?  
 13 A. Yes, I believe they're an agency in London.  
 14 Q. An agency for doing what?  
 15 A. Public relations, public affairs.  
 16 Q. Did you engage them or to your knowledge anybody else at  
 17 Kingspan engage Portland in 2017?  
 18 A. Yes, I recall Kingspan engaging Portland, yes.  
 19 Q. Who within Kingspan engaged them?  
 20 A. I'm not sure exactly who would have started that  
 21 process.  
 22 Q. Were you involved in their engagement?  
 23 A. I certainly went to a couple of meetings with Portland.  
 24 Q. Right.  
 25 Let's look on into the document and see if you can

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1 help us with it.  
 2 Can you go to the second page {KIN00008120/2},  
 3 please, and look at the overview. The overview says:  
 4 "It's time to get our message out to the people that  
 5 matter.  
 6 "In the first instance, initial outreach should be  
 7 made by Kingspan and not by Portland. It looks better.  
 8 We will draft letters and emails on your behalf, we will  
 9 ensure each one is tailored to the recipient, and we  
 10 will prepare you adequately for each and every meeting  
 11 that you are granted. Portland will be the engine room.  
 12 "We must be realistic though: some people will not  
 13 want to meet you and they will not want to be lobbied.  
 14 But there is still immeasurable value in getting  
 15 Kingspan's manifesto in front of these decision-makers.  
 16 We want them to read it. We need them to read it. And  
 17 that's why it's vital that our messages are punchy,  
 18 memorable and easy to understand.  
 19 "Following initial contact, there will be a  
 20 programme of follow-ups and that's where we hope to use  
 21 our network of contacts: to nudge, where appropriate.  
 22 And while we cannot promise you access, we will pull  
 23 every string to ensure that your messages reach the key  
 24 people.  
 25 "Finally, there is still a discussion to be had

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1 about approaching the public inquiry. We don't know the  
2 inquiry's terms of reference and we don't know if  
3 Kingspan will be asked to give evidence."

4 Then underneath that, at the bottom of page 2,  
5 "Group 1 — Constituency MPs". We'll come to look at  
6 that in a moment.

7 The last paragraph might give us a clue, mightn't  
8 it, to the date of the creation of this document? "We  
9 don't know the inquiry's terms of reference". Now,  
10 those were published in the middle of August 2017,  
11 that's a matter of record. So can we take it that this  
12 document was generated after the fire in the middle of  
13 June 2017, but before the publication of the Inquiry's  
14 terms of reference?

15 A. It would appear so from that.

16 Q. Yes. It's only about six or so weeks, so that can pin  
17 it down pretty accurately.

18 Now, can we look at page 3 {KIN00008120/3}, the  
19 heading of which is orphaned on to page 2, "Group 1 —  
20 Constituency MPs", and here is a list of MPs that  
21 Portland are suggesting be lobbied by Kingspan; is that  
22 right?

23 A. That's correct, yes.

24 Q. Does this look familiar to you? Do you remember this  
25 list?

33

1 A. No, I don't remember the list.

2 Q. Looking at the middle of the page, do you remember  
3 Kevin Hollinrake MP?

4 A. Yes.

5 Q. He is a Conservative member for Thirsk and Malton.

6 A. Yes.

7 Q. He has two stars next to his name because he is a member  
8 of the DCLG select committee, isn't he?

9 A. I believe so.

10 Q. Now, do you remember that these individual MPs were  
11 particularly important to Kingspan's campaign?

12 A. Yes.

13 Q. Do you remember why they were selected in particular?

14 A. No, I can't recall.

15 Q. Can we look at page 4 {KIN00008120/4}, "Group 2 — Key  
16 decision-makers", and there is a list of readily  
17 familiar names: Sajid Javid, Amber Rudd, Michael Gove  
18 and Dame Judith Hackitt, and also Neil Cooper.

19 Those were key decision-makers in positions of high  
20 political influence, weren't they?

21 A. Yes.

22 Q. And the idea was to be able to access them as well,  
23 wasn't it?

24 A. It appears so from this document, yes.

25 Q. Then:

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1 "Meeting requests to Secretaries of State are likely  
2 to be referred to the appropriate ministers:

3 " ■ Alok Sharma MP, Minister of State for Housing and  
4 Planning;

5 " ■ Nick Hurd MP, Minister of State for Policing and  
6 the Fire Service;

7 " ■ George Eustice MP, Minister of State for  
8 Agriculture, Fisheries and Food (including 'better  
9 regulation')."

10 "Actions.

11 " ■ Portland to draft letter requesting a meeting.

12 " ■ Kingspan to approve and send.

13 " ■ Portland to provide follow up to secure meetings.

14 " ■ Portland to provide briefing notes ahead of  
15 meetings."

16 The document goes on in that kind of vein, but it's  
17 clear from that that Kingspan had engaged Portland to be  
18 able to facilitate as best it could, with no guarantees,  
19 access to the very highest levels of power.

20 A. It — yes, it doesn't — I can't see that, very highest  
21 levels of power.

22 Q. Then group 3, bottom of page 4, top of page 5, "Group  
23 Chairs and MPs with a key interest". Over to page 5  
24 {KIN00008120/5}, please. Here are some particular MPs  
25 with key interests.

35

1 Do you know how that group was selected, other than  
2 perhaps by reference to their positions?

3 A. No, just from what Portland's view was, I think.

4 Q. And we have a number of obvious names here, don't we?  
5 We have Clive Betts; he was the Chair of the DCLG  
6 select committee, wasn't he?

7 A. Yes.

8 Q. Yes, and others such as Helen Hayes, who was a member of  
9 that committee, and Mark Prisk, who was a member of the  
10 select committee on housing and planning and the APPG.

11 Can we then go to {KIN00008117}, please. This is  
12 an email from Thomas Anelay at some people called  
13 Grayling, who are public affairs, it appears —

14 A. Yes.

15 Q. — to Siobhan O'Dwyer, John Garbutt, Mark Harris and  
16 Tony Ryan of Kingspan. The email is 5 February 2018 and  
17 Mr Anelay writes:

18 "All,

19 "Please find attached an updated letter to  
20 Clive Betts, a key messaging document and stakeholder  
21 list which details next actions.

22 "Regarding the key messaging document, it would be  
23 very helpful if you could let us know of any feedback,  
24 technical mistakes we might have made and if you could  
25 provide any proof points to support the argumentation.

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1 One of the key arguments that we need to win with  
 2 political stakeholders is that combustible materials are  
 3 no more dangerous than non-combustible materials when  
 4 improperly installed. We've attempted to provide some  
 5 lines on this but feel the argument needs to be  
 6 stronger.  
 7 "Regarding the stakeholder list, we've used the  
 8 Portland one as the basis but added some more MPs,  
 9 tiered them, and added next steps. The next steps are  
 10 also tiered by urgency. If you could have a look at the  
 11 Kingspan actions column and in particular send us any  
 12 further feedback on the meetings you've already held  
 13 that would be most appreciated. We will then collate  
 14 everything together. You will see that there is an  
 15 officials tab and a 3rd party tab — we're compiling  
 16 names to add to these now."  
 17 Now, before I ask some questions on this, I just  
 18 want to show you {KIN00008118}, please, which is  
 19 a spreadsheet, and we need to go to the native of that,  
 20 please, where we will see a spreadsheet, and the first  
 21 entry on the spreadsheet, right at the very top, is  
 22 Clive Betts, Labour Party. Position: Chair, Department  
 23 for Communities and Local Government. You can see what  
 24 the spreadsheet does; it identifies the MP, the party,  
 25 the position, the Kingspan site, emails, follow-up 1, 2,

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1 3 and 4, Grayling action, Kingspan action, priority,  
 2 notes, it goes on.  
 3 Do you recognise that spreadsheet?  
 4 A. I don't.  
 5 Q. Have you ever seen it before?  
 6 A. I don't recall it in that fashion, but I know there was  
 7 information around that.  
 8 Q. I mean, of course, this is early 2018 now, so after the  
 9 fire and after the Portland communications document  
 10 we've seen. Who within your department was responsible  
 11 for this exercise?  
 12 A. From the business — so the political engagement was  
 13 mainly driven through John Garbutt and Siobhan O'Dwyer.  
 14 Q. Right. And what was your role?  
 15 A. I was —  
 16 Q. You were, after all, head of technical and marketing.  
 17 A. I was there supporting them, yes.  
 18 Q. You were there supporting them; did you not see this  
 19 document at the time?  
 20 A. I can't recall it.  
 21 Q. Right.  
 22 We can see from this document the efforts that have  
 23 been made to contact MPs and stakeholders by telephone,  
 24 email, letter and then follow-ups to get meetings. The  
 25 impression one gets from this document is that this was

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1 a pretty carefully orchestrated campaign —  
 2 A. Yes, I agree.  
 3 Q. — across a wide front with a number of extremely  
 4 powerful and important stakeholders.  
 5 A. Yes.  
 6 Q. Now, can we then go to your second witness statement.  
 7 I want to come back to the precise arguments that you're  
 8 actually putting forward, which I think we saw from the  
 9 Grayling email, the key argument, which is that  
 10 combustible materials are no more dangerous than  
 11 non-combustible materials when improperly installed.  
 12 That's what's said, I just want to ask you about that.  
 13 If we go to your second statement, page 113  
 14 {KIN00020824/113}, I'd like to look at paragraph 12.3(e)  
 15 at the foot of the page there.  
 16 Perhaps I should just show you the start of this  
 17 paragraph. If you go back a page, please, to 112  
 18 {KIN00020824/112}, in paragraph 12.2, because it's fair  
 19 to you to give you the full context, you say this:  
 20 "Experience and reflection has lead us to the view  
 21 that the most effective way of achieving the goal of  
 22 improving the safety of building occupants in the event  
 23 of a fire, would be to ensure that all cladding systems  
 24 are tested as complete systems in their intended  
 25 configuration to BS 8414 standards so as to meet the

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1 requirements set out in BR 135. Experience suggests  
 2 this delivers better safety outcomes and in our view is  
 3 best practice rather than simply banning of classes of  
 4 certain materials.  
 5 "12.3. The rationale behind this view is as  
 6 follows ..."  
 7 And then you set it out.  
 8 Just pausing there, this was your second statement,  
 9 so it was done in October 2019, wasn't it, so some two  
 10 and a bit years —  
 11 A. Yes.  
 12 Q. — after the fire?  
 13 A. Yes.  
 14 Q. You're not giving evidence as to what happened in the  
 15 past; you're explaining Kingspan's current position.  
 16 Why was that? Why did you feel it necessary to set out  
 17 what Kingspan's view was as at the date you wrote this  
 18 statement?  
 19 A. I think it was just to — it's to show that, you know,  
 20 we believe that testing — large-scale testing is as  
 21 important on all systems, rather than just on certain  
 22 classifications.  
 23 Q. Was the idea to promote this message through  
 24 the Inquiry?  
 25 A. I think it was just to provide my view on it.

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1 Q. And the relevance of your view in the context of  
 2 a witness statement in the Inquiry was what?  
 3 A. Just to inform.  
 4 Q. I would suggest it goes a bit further than that; it was  
 5 to promote or push the Kingspan line through  
 6 the Inquiry.  
 7 A. I think it was to show what my thinking was at that  
 8 time.  
 9 Q. Right, okay.  
 10 Let's look and see what you say then at where  
 11 I wanted to go, next page {KIN00020824/113}, please,  
 12 12.3(e). You say:  
 13 "It is not correct to assume that any combination of  
 14 'non-combustible' systems are safe irrespective of how  
 15 they are assembled in a holistic system. Permitted  
 16 product combinations can yield unsafe systems: systems  
 17 comprising so-called 'non-combustible' and 'limited  
 18 combustibility' insulation and/or cladding systems have  
 19 failed to meet BR 135 criteria such as ..."  
 20 Then you set out under subparagraph (i), in big,  
 21 bold, italic capital letters:  
 22 "FAILED Test 1 ... 27th October 2016 ..."  
 23 And you set out the identity there.  
 24 Over the top of the next page {KIN00020824/114}, you  
 25 can show that the insulation material was Rockwool,

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1 "Fujairah Rockwool foil faced mineral fibre/stone wool  
 2 insulation rated as A1".  
 3 Then:  
 4 "(ii) FAILED Test 2 ... Australia ... 6th March 2018  
 5 ... [with an] A2 panel ... with Rockwool mineral  
 6 fibre/stone wool."  
 7 Then:  
 8 "(iii) FAILED Test 3 – This test was commissioned by  
 9 Kingspan and carried out at Exova in Dubai on 2nd July  
 10 2018. The system comprised Rockwool DuoSlab (which is  
 11 rated A1) and Vitracore G2 (which was understood at the  
 12 time by Kingspan to be rated A2). The construction of  
 13 the test rig was a replica of the Ministry of Housing,  
 14 Communities and Local Government tests conducted  
 15 immediately after the tragedy at Grenfell Tower. The  
 16 test failed on the basis of thermocouple data which is  
 17 detailed in the enclosed BR 135 classification report  
 18 from Exova."  
 19 I'm going to come back to that in a little bit of  
 20 detail later on.  
 21 I don't know, Mr Pargeter, whether you saw or  
 22 approved Kingspan's opening submissions for Module 2;  
 23 did you?  
 24 A. I think I saw them.  
 25 Q. You will have seen, therefore, that Kingspan in its

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1 opening submissions made specific reference to these  
 2 three failed tests.  
 3 A. Yes.  
 4 Q. And indeed another one, Little Venice Towers.  
 5 Now, I want to come back to the Dubai tests shortly,  
 6 but I want to look at some email chains related to  
 7 Kingspan's testing in 2018 first.  
 8 First is Ulster, March 2018. Can we go to  
 9 {KIN00004637/3}, please. If we go to the bottom of the  
 10 email chain, page 3, and the first email in time there,  
 11 we can see that it's from 2 March 2018 from Mark Harris  
 12 to you and John Garbutt, among others, and you can see  
 13 that Tony Ryan is a recipient, and Siobhan O'Dwyer is  
 14 copied, as is Gilbert McCarthy.  
 15 Just tell me, Gilbert McCarthy, what was his role at  
 16 the time?  
 17 A. I think he's managing director of the — what we call  
 18 the panels side of the Kingspan business.  
 19 Q. Right.  
 20 The subject of the email was "Ulster Tests/MHCLG  
 21 select committee Lobbying":  
 22 "Hi Adrian, John et al,  
 23 "It's clear that Kevin Hollinrake [he is an MP, as  
 24 we've seen in your list] is still pretty lukewarm about  
 25 our draft letter/arguments to address MHCLG

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1 select committee and MP concerns. The major 'evidence  
 2 gap' is his concern about fire spread with  
 3 'combustibles' in relation to poor installation — he  
 4 seems to believe that poor installation is a major  
 5 problem with 'combustible' systems but not with 'non  
 6 combustible'. In other words he, and mere hers of the  
 7 Select Committee, need to see evidence to persuade them  
 8 that poor installation is an issue with both systems.  
 9 "Following discussion with Roy, Tony & Adam I have  
 10 a simple proposal that could address this issue and give  
 11 us the evidence we need to demonstrate that non  
 12 combustible systems are not as 'fail safe' as many  
 13 presume —  
 14 "1. Gather evidence to demonstrate that fire spread  
 15 in cavities is potentially dangerous irrespective of  
 16 cladding type. A good example is the statement in  
 17 BR 135 ..."  
 18 And there's a quotation from BR 135, third edition,  
 19 2013:  
 20 "2. Further ISO 13785—1 tests at Ulster University  
 21 to demonstrate similar performance of K15 vs RW ..."  
 22 Is that Rockwool?  
 23 A. I would think so, yes.  
 24 Q. Right:  
 25 "... when tested without cavity barriers — this

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1 would involve a repeat of the original tests —  
 2 "a. 100mm K15 with A2 ACM without cavity barriers  
 3 and flashing at top of rig &  
 4 "b. Duorock with A2 ACM as above.  
 5 "There's little doubt that flames will appear at the  
 6 top of the rig during the test and the time differential  
 7 between K15 and Duorock may not be significant.  
 8 "I think this evidence will be critically important  
 9 in persuading Kevin Hollinrake to become an advocate of  
 10 our view and very useful in lobbying activities  
 11 elsewhere to demonstrate that —  
 12 "■ So-called 'deemed to satisfy' systems can have  
 13 rapid fire spread if cavities are not protected  
 14 (for example as a result of poor installation )  
 15 "■ Fire spread in cavities is similar with mmmf and  
 16 K15 ..."  
 17 "mmmf" is mineral fibre, isn't it?  
 18 A. Yes.  
 19 Q. "... i.e. lack of cavity barriers in high performance  
 20 rigid insulation systems that pass BR135 requirements is  
 21 not an enhanced risk vs non-combustible — the critical  
 22 issue is the correct design and installation of all  
 23 systems."  
 24 Now, you have explained RW is Rockwool or could be  
 25 Rockwool.

45

1 A. Yes.  
 2 Q. An ISO 13785—1 test is similar, isn't it, to a BS 8414  
 3 test, but using a gas fire and on a smaller scale?  
 4 A. Yes, it's more of a medium scale than a large scale.  
 5 Q. So you understood when you got this email — is this  
 6 right? — that Mark Harris was advocating a comparison  
 7 between Rockwool on the one hand, or mineral wool on the  
 8 one hand, and K15 on the other when tested without  
 9 cavity barriers in order to demonstrate that fire spread  
 10 can be similar in each case?  
 11 A. Yes, I would have understood that.  
 12 Q. Indeed, that's why he quotes BR 135, which is that if  
 13 cavity barriers are absent, then a façade system is  
 14 going to be unsafe regardless of whatever materials are  
 15 used.  
 16 A. Yes.  
 17 Q. Yes.  
 18 Now, why was it necessary to demonstrate that in  
 19 a test rather than simply using experience?  
 20 A. I think it would just add weight to the argument of  
 21 experience.  
 22 Q. Right.  
 23 Let's go up to page 3 {KIN00004637/3} and go  
 24 a little higher up the page to the response that you  
 25 send to Mark Harris on Friday, 2 March 2018, and to

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1 others, including Gilbert McCarthy:  
 2 "Hi Mark  
 3 "OK I see where you are coming from and I would be  
 4 more than happy to swap our planned tests on A2 to set  
 5 up as described below, it would be easy enough."  
 6 You see that?  
 7 Then two days later, if you go up to the bottom of  
 8 page 1 {KIN00004637/1} and over to page 2, 4 March 2018,  
 9 John Garbutt responds to you and the same recipients on  
 10 the email chain, it appears. He says:  
 11 "Looking at the videos of the original tests the  
 12 flames only got as high as the cavity barrier in the  
 13 A2/PF tests.  
 14 "So I think you are going to need to create some  
 15 'draw' to get the flames to get above the barrier or  
 16 rig. So, will we get a greater draw with narrower gaps  
 17 or wider gaps between panels? Clearly the flashing will  
 18 have to be absent.  
 19 "Would we be better using FR or A2 for this test  
 20 Roy? Which would give most fuel to get the flames up  
 21 there?"  
 22 Now, first of all, what videos is he referring to,  
 23 do you know?  
 24 A. I don't know, no.  
 25 Q. When you received this email, did you ask him so that

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1 you could understand it?  
 2 A. No, I don't think I did.  
 3 Q. Why is that?  
 4 A. I'm trying to think what videos ... I may have  
 5 understood what videos he meant at the time, I just  
 6 can't recall it now.  
 7 Q. All right.  
 8 Why is he suggesting creating draw on the mineral  
 9 wool test to ensure flames get to the top of the rig?  
 10 A. I think, to do a comparison, you'd have to do exactly  
 11 the same on both. So one of the factors of how a system  
 12 would perform is the cavity size, for example, and so if  
 13 you have a narrow cavity, would that create more of  
 14 a draw than a wide cavity? But whatever you did for  
 15 one, you'd have to do for the other in order to get  
 16 a comparison.  
 17 Q. Why is John Garbutt asking the question, "Which would  
 18 give most fuel to get the flames up there?"  
 19 A. I don't know why he's asking that.  
 20 Q. Is he setting the rig up to fail?  
 21 A. I don't think so, no, because, like I say, you'd have to  
 22 do it for both. So if it was more challenging for one,  
 23 it would be equally more challenging for the other.  
 24 Q. What would be the point of his question, "Which would  
 25 give the most fuel to get the flames up there?"

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1 A. Either an FR or an A2 ACM?  
 2 Q. Well, you tell me?  
 3 A. That's what I think he's saying there, which of the FR  
 4 grade or A2 to use for this.  
 5 Q. Yes. Why would you want to get the flames up there?  
 6 A. I think to try and create a worst-case scenario for the  
 7 comparison testing.  
 8 Q. Well, a worst-case scenario would be not to use  
 9 cavity barriers, wouldn't it?  
 10 A. As well as the other factors, so the cladding element,  
 11 the cavity size, no cavity barriers, they all have  
 12 an influence.  
 13 Q. Right. Okay. So the idea was to create a worst-case  
 14 scenario; is that right?  
 15 A. Trying to piece together from this information,  
 16 I think —  
 17 Q. Well, let's see how we go with that.  
 18 We can look at the response from Mark Harris if you  
 19 go to page 1, just a little bit above it, 5 March, to  
 20 you and others:  
 21 "Hi John,  
 22 "I think we definitely have to use the A2 ACM —  
 23 an important message of this test could be that you can  
 24 get excessive fire spread in cavities in rain screens  
 25 that are compliant with the linear route. Thereby

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1 demonstrating the importance of installing cavity  
 2 barriers & testing the full system to demonstrate they  
 3 work in the actual rain screen build up. In addition it  
 4 demonstrates that getting the installation right is just  
 5 as important with so called non-combustible/limited  
 6 combustible systems as it is with 'combustible' systems  
 7 that pass BS 8414."  
 8 So does that tell us that the point of the testing  
 9 was to demonstrate that K15 was no more risky than  
 10 mineral wool?  
 11 A. I think to compare them in a — the same system to show  
 12 how they'd perform, and if they perform the same way  
 13 then it could be assessed as at the same risk, if you  
 14 like, same performance.  
 15 Q. Yes. My question is: was the purpose of that to  
 16 demonstrate that K15 was no more risky, fire risky, than  
 17 mineral wool?  
 18 A. Yeah, I think it was to show a similar performance, yes.  
 19 In a system, that is.  
 20 Q. And in doing that, you were proposing a system build-up  
 21 that would fail even with mineral wool.  
 22 A. Yes.  
 23 Q. Let's look at another email chain a little bit later in  
 24 the year, the next month, {KIN00004658}. This is  
 25 a chain which is entitled "Linear Route Action Plan".

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1 It's a long email chain and it runs from page 1 to  
 2 page 6.  
 3 The first email in the chain starts on page 4  
 4 {KIN00004658/4} and runs through to page 6. So can we  
 5 go to page 4. It's at the bottom of page 4,  
 6 Mark Harris, 9 April 2018. It's sent to John Garbutt,  
 7 you and others, including Nick Jenkins and Tony Ryan,  
 8 and it's copied to Gene Murtagh and Gilbert McCarthy.  
 9 Do you see that?  
 10 A. Yes.  
 11 Q. A lot of it is in red. It starts:  
 12 "The objective of the discussion was to look closely  
 13 at potential issues related to use of the linear route  
 14 to compliance in other words provide evidence to  
 15 demonstrate that the linear route approach has  
 16 weaknesses and full scale testing is essential for all  
 17 systems. We reviewed evidence currently available and  
 18 discussed how we can generate evidence for use in both  
 19 the political arena and with the Hackitt Review team."  
 20 Do you see that?  
 21 A. Yes.  
 22 Q. Now, "The objective of the discussion"; what discussion  
 23 was that? There was clearly a discussion which had  
 24 preceded this email. What was that, do you know?  
 25 A. Not specifically what that might have been at that time.

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1 Q. Right.  
 2 Why did you need evidence for use in the political  
 3 arena and with the Hackitt Review team?  
 4 A. I think because there was an assumption that just  
 5 classifying products on their own performance and then  
 6 allowing them on a linear route wasn't always going to  
 7 be potentially safe, when you compare it to, say,  
 8 an 8414 test, for example, on a system.  
 9 Q. Did you realise by this point — this is April 2018 —  
 10 that the insulation used at Grenfell Tower was RS5000,  
 11 namely a PIR product?  
 12 A. Oh, PIR, yes, we knew it was PIR, sorry.  
 13 Q. And that therefore wasn't a product of limited  
 14 combustibility or a non-combustible product, was it?  
 15 A. That's correct.  
 16 Q. So materials of limited combustibility or  
 17 non-combustible materials hadn't actually caused any  
 18 problem at Grenfell Tower.  
 19 A. No, that's correct.  
 20 Q. So what was the point of attacking their use?  
 21 A. Because if you assume just by their individual  
 22 performance that when they're put into a system it is  
 23 safe without testing that system, that assumption could  
 24 be flawed.  
 25 Q. But that position was one that Kingspan was driving.

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1 No one had suggested at that point that materials which  
 2 were either non-combustible or of limited combustibility  
 3 were dangerous, had they?  
 4 A. No, and in and of themselves, they're not.  
 5 Q. No, and materials of non-combustibility or limited  
 6 combustibility had not caused the fire or had any role  
 7 to play in the fire at Grenfell Tower, had they?  
 8 A. No, that's correct.  
 9 Q. So what was the point of mounting a campaign to attack  
 10 the use of non-combustible materials or materials of  
 11 limited combustibility?  
 12 A. It's not to attack the use of them; it's to question the  
 13 logic around only using them based on their individual  
 14 performances rather than how they perform in a system.  
 15 Q. That question was one that originated with Kingspan,  
 16 wasn't it?  
 17 A. That question, about how they perform in a system?  
 18 Q. Yes.  
 19 A. What I've just — yes.  
 20 Q. Yes. It wasn't a problem in the market or the industry,  
 21 it wasn't a problem that had been come across by the  
 22 tests of the DCLG, or MHCLG as it was; it was a problem  
 23 that had originated with the marketing campaign which we  
 24 saw in the Portland document, and in the Thomas Anelay  
 25 document —

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1 A. Yes.  
 2 Q. — about getting the message out.  
 3 A. Correct.  
 4 Q. Yes.  
 5 Now, let's go on with the email. Point 1, over the  
 6 page {KIN00004658/5}, please:  
 7 "1. Data from failed BS 8414 tests. We are aware  
 8 of at least 2 BS 8414 tests comprising only non/limited  
 9 combustible materials that have failed to meet BR135  
 10 criteria. Key reasons for the failures are believed to  
 11 be associated with the A2 cassette  
 12 type/robustness/geometry and/or the combustibility of  
 13 the mineral fibre insulation system (binder  
 14 content/presence of polyethylene adhered aluminium  
 15 foil). However, we do not have access to the reports or  
 16 any rights to make this information public. Actions —  
 17 Test Alucopanel A2 material in bomb calorimeter to  
 18 determine heat release (NJ [Nick Jenkins] has sample).  
 19 Also test Vitracore A2 honeycomb in bomb calorimeter.  
 20 This testing is for information only at this stage.  
 21 "2. BS 8414 Test Proposal (Dubai). KIL has 3  
 22 upcoming slots at Exova in Dubai and has agreed to make  
 23 a slot on 10th May available for a test on a system  
 24 comprised of materials 'deemed to satisfy' BR 135.  
 25 Discussion during the meeting identified the following

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1 test proposal for a configuration that has the potential  
 2 to fail BR 135 criteria —  
 3 "a. BS 8414 Part 2.  
 4 "b. Mmmf duoslab insulation.  
 5 "c. 38mm ventilated cavity.  
 6 "d. Alucobond A2 ACM cassettes (with 'weak'  
 7 structural specification)  
 8 "e. Cavity barriers included.  
 9 "Actions — NJ to create drawing of A2 cassette  
 10 assembly that could perform poorly.  
 11 "Also arrange fabrication.  
 12 "Detailed test specification to be developed and  
 13 agreed by all.  
 14 "AP [that's you]/NJ to arrange materials for test on  
 15 10th May in Dubai.  
 16 "KIP/KIL to share costs. MH/AP."  
 17 So looking at this, is it right that the basic plan  
 18 was to show that materials which could be used on the  
 19 linear route might be included in the BS 8414 system  
 20 test which would then fail?  
 21 A. That's correct.  
 22 Q. Your commercial purpose in undertaking this effort would  
 23 be to promote the use of K15 through 8414 tests?  
 24 A. That's correct.  
 25 Q. And to undermine the market for non-combustible

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1 materials and materials of limited combustibility at the  
 2 same time?  
 3 A. From them taking the linear route, so —  
 4 Q. Yes.  
 5 A. — they should also be tested, is our view. Every  
 6 system should be tested.  
 7 Q. And the plan was to sow doubts in the mind of the MHCLG  
 8 about the safety of mineral wool and A2 products.  
 9 A. Not about the products themselves, no, because the  
 10 products aren't in themselves unsafe, as are —  
 11 combustible products in themselves are not unsafe. It's  
 12 how they perform in a system which could be used on  
 13 a building, as this system that's outlaid there.  
 14 Q. The purpose of doing that would be to demonstrate that  
 15 if they fail in an 8414 test, then they're dangerous to  
 16 label as non-combustible or materials of limited  
 17 combustibility.  
 18 A. No, not dangerous to label them that, but just it would  
 19 be wrong to assume — it depends what's your bar for  
 20 safety. So what we're saying is our bar for safety is  
 21 a BS 8414 test. It's the most rigorous test in the UK  
 22 and possibly arguably in the large scale across the  
 23 world, and so we feel that that is a potential level of  
 24 safety to achieve, and so if you have a system that  
 25 doesn't achieve that level of safety, regardless of the

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1 materials that are in it, then is that then safe?

2 Q. Did you not, if that was the plan, detect a degree of

3 irony in the approach, given that for more than

4 a decade, as you well knew by this point, Kingspan K15

5 had actually been sold without an applicable 8414 test?

6 A. Yeah, I'd agree there's an element of irony, but it's

7 the whole system. I mean, systems generally were being

8 put onto buildings without any testing, whether there

9 was, you know, our product or other products in the

10 market, that was happening.

11 Q. Yes.

12 A. So, you know, to stop that happening and to stop issues

13 like we saw on Grenfell is if you had an 8414 test for

14 that system, regardless of the materials that comprised

15 it, and it passed, you'd have a measure of safety built

16 in.

17 Q. Yes.

18 Looking at the last paragraph of this email on

19 page 6 {KIN00004658/6} he says:

20 "I thought we had an extremely useful session this

21 morning with actions that could deliver some very

22 valuable evidence to support the need for full scale

23 testing of all systems and demonstrate that materials

24 that are 'deemed to satisfy' the linear route do not

25 automatically meet BR135 criteria when tested full scale

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1 to BS 8414."

2 That was the purpose, wasn't it? He's captured it

3 in a nutshell there.

4 A. Yes, I've just explained.

5 Q. And the commercial purpose for Kingspan would be to

6 remove, wouldn't it, a major source of competition in

7 the above—18—metre market, because you would require

8 people like Rockwool to submit their mineral wool not

9 only to a 476—11 test for non—combustibility or limited

10 combustibility, but also an 8414 test.

11 A. Well, it wouldn't fall on Rockwool to provide a BS 8414

12 test. That isn't correct. Rockwool, as

13 Kingspan Insulation, don't manufacture systems, they

14 just manufacture components that go in those systems, so

15 it would have required whoever was responsible for

16 the design or installation of a given system to have it

17 tested with the products they'd like to use.

18 Q. Did you see the aftermath of the Grenfell Tower fire as

19 something of a commercial opportunity?

20 A. Absolutely not.

21 Q. And you were going to exploit the commercial opportunity

22 by sowing doubt, planting the seed of doubt about, as

23 we've seen, the use of non—combustible and limited

24 combustibility materials by directing attention to 8414

25 and how those materials, even if they are

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1 non—combustible, can perform badly in a full system

2 test?

3 A. No, what we know is, as the Government testing proved,

4 that had that system been subjected to an 8414 test

5 under the criteria of 135, it wouldn't have passed.

6 Q. Going back to the middle of page 5 {KIN00004658/5} in

7 this email, if we can — I read this to you, and I'm

8 going to ask you about it in a little bit more detail —

9 you can see that the Dubai proposal under part 2 of this

10 email says, under letter d, that it would be designed or

11 configured with a potential to fail the criteria, d,

12 "Alucobond A2 ACM cassettes (with 'weak' structural

13 specification)". Do you see that?

14 A. Yes.

15 Q. Then under letter e:

16 "NJ to create drawing of A2 cassette assembly that

17 could perform poorly."

18 Why was Mark Harris designing a test with weak

19 structural specifications and an A2 cassette assembly

20 that could perform poorly?

21 A. I would say there's different methods of manufacturing

22 cassettes, and I would have guessed from that you've got

23 a range which some may perform better than others

24 structurally, and so it's possible that, you know, that

25 construction or a weaker structural product would be

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1 used within a project. So if you make it to that, then

2 you're creating that sort of worst—case scenario.

3 Q. You say you're setting up a worst—case scenario; it

4 looks as though Kingspan was planning to set a mineral

5 wool test up to fail.

6 A. No, it was to set it up to a potential scenario that

7 could be realistically built on a building.

8 Q. I'm not sure I understand this. A to e are particular

9 details of a bigger idea which is introduced in the

10 sentence which precedes it, which is namely

11 a configuration that has the potential to fail BR 135

12 criteria. Why design a test that has the potential to

13 fail?

14 A. Because that could be a system that could get through

15 the linear route onto a building.

16 Q. But the idea surely would be to do the best you could to

17 show the most robust system and then compare the two,

18 compare K15 and mineral wool, not the worst?

19 A. Well, no, a most robust system, you would assume, or the

20 most robust you could build, you would assume would pass

21 a BR 135.

22 Q. If the idea was to set up a test which would demonstrate

23 that mineral wool was not reliably non—combustible, and

24 that that label shouldn't be used anymore, why not set

25 up a test that illustrated the similarities rather than

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1 reduced everything down to the lowest level, the  
 2 worst—case scenario?  
 3 A. I'm not sure what you mean by it shouldn't carry a label  
 4 of limited — I don't think we ever challenged that  
 5 scenario about what Rockwool described their products or  
 6 whoever else described their products, but what we're  
 7 trying to do here is demonstrate that this is  
 8 a potential — it's a standard manufacturing process,  
 9 it's a potential of a building designed and installed  
 10 along these lines which ordinarily would not get any  
 11 challenge on its overall performance.  
 12 Q. The plan was to use a test which has the potential to  
 13 fail, wasn't it, as a so—called piece of empirical  
 14 evidence with which to lobby the MHCLG in order to  
 15 either remove or dilute the linear route?  
 16 A. It was to have an alternative to the linear route, and  
 17 that is to have a tested system.  
 18 Q. We can see from the email run that Gene Murtagh and  
 19 Gilbert McCarthy, members of Kingspan's top management,  
 20 were in on this, weren't they?  
 21 A. They were aware, yes.  
 22 MR MILLETT: Mr Chairman, I'm part—way through this email,  
 23 but I'm not going to finish it before a natural break.  
 24 SIR MARTIN MOORE—BICK: All right. So shall we stop at that  
 25 point?

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1 MR MILLETT: That's probably sensible.  
 2 SIR MARTIN MOORE—BICK: Thank you.  
 3 Just give me a moment, please.  
 4 (Pause)  
 5 Mr Pargeter, are we to understand that the motive  
 6 for all this testing at Kingspan's expense was to  
 7 benefit the public at large?  
 8 A. I believe that if the regulations were based around the  
 9 8414 test and that every system was tested to that, then  
 10 that could have that effect.  
 11 SIR MARTIN MOORE—BICK: But that wasn't quite my question.  
 12 My question was whether you're telling us that the  
 13 motivation of Kingspan in undertaking all this testing  
 14 was entirely altruistic?  
 15 A. I wouldn't say it was entirely altruistic, but it's part  
 16 of it.  
 17 SIR MARTIN MOORE—BICK: All right.  
 18 Well, we'll stop there for a short break. We'll  
 19 come back at 11.45, please. And, again, please don't  
 20 discuss your evidence with anyone whilst you're out of  
 21 the room.  
 22 THE WITNESS: Of course not.  
 23 SIR MARTIN MOORE—BICK: Thank you very much.  
 24 (Pause)  
 25 11.45, then, please. Thank you.

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1 (11.30 am)  
 2 (A short break)  
 3 (11.45 am)  
 4 SIR MARTIN MOORE—BICK: All right, Mr Pargeter?  
 5 THE WITNESS: Yes.  
 6 SIR MARTIN MOORE—BICK: Thank you.  
 7 Yes, Mr Millett.  
 8 MR MILLETT: Yes.  
 9 Mr Pargeter, we're still on the email at  
 10 {KIN00004658/5}, please, if we can just go back to that.  
 11 I've shown you the middle of that page already, the test  
 12 programme at Ulster University, and it's right, isn't  
 13 it, that in that one as well the cassette drawings, if  
 14 you look in the indented part:  
 15 "NJ to prepare cassette drawings (standard and  
 16 'weak' variants) ..."  
 17 You see that?  
 18 A. Yes.  
 19 Q. Just looking at these two, I have to suggest to you that  
 20 Kingspan were searching for the worst—case scenario in  
 21 regards to ACM cassette geometry to test in their linear  
 22 route BS 8414 test both in Dubai and in Ulster?  
 23 (Pause)  
 24 A. Where does it say worst—case scenario?  
 25 Q. Well, standard and weak variants.

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1 A. Oh, that's that weak variant point. Yes, but within  
 2 obviously the realms of the manufacturing process.  
 3 Q. Looking at the last point, number 4, that relates to  
 4 poor installation, and it says:  
 5 "We discussed the potential to demonstrate that poor  
 6 installation can cause failure in BS 8414. It was  
 7 generally felt that this was a dangerous route to go  
 8 down for a variety of valid reasons. We must always  
 9 promote best practice installation. Information from  
 10 the above tests in Dubai and Ulster would mitigate the  
 11 need for data on poor installation."  
 12 Why, as you understood it, would these tests  
 13 mitigate the need for data on poor installation?  
 14 (Pause)  
 15 A. I think what he's saying there is if it's designed and  
 16 installed correctly, then you don't need to discuss  
 17 poor — it's not relevant then on poor installation.  
 18 It's very difficult to design a system around  
 19 a potential poor installation scenario. So it's best —  
 20 stick to best practice, so it doesn't — it mitigates  
 21 any need for collecting data on a poor installation,  
 22 because you haven't built a poor installation.  
 23 Q. So you could eliminate poor installation as one of the  
 24 variables?  
 25 A. Yes.

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1 Q. Now, going up the email chain, the next day, 10 April  
 2 2018, if we can go up to the bottom of page 3  
 3 {KIN00004658/3}, which is where the email starts,  
 4 Nick Jenkins sends an email to Mark Harris, John  
 5 Garbutt, you, Phil Cook and others, including  
 6 Gene Murtagh and Gilbert McCarthy. Do you see?  
 7 A. Yes.  
 8 Q. He says:  
 9 "OK this represents a real challenge however we have  
 10 made some good progress today."  
 11 Then if you look a bit lower down, under "BS 8414  
 12 Test Proposal (Dubai)", he is talking there about  
 13 a 10 May slot for that test, and he says:  
 14 "To utilise the test slot booked by KIL on 10th May  
 15 available for a test on a system comprised of materials  
 16 'deemed to satisfy' BR 135. AP has advised we need to  
 17 get the full set of panels and components to Pembridge  
 18 to be packaged for air freight to Dubai by the end of  
 19 the day Friday 13th April this week. This represents  
 20 a challenge but is not impossible."  
 21 Then he makes a list:  
 22 "a. Drawings preparation started today ..."  
 23 Et cetera.  
 24 Then at b {KIN00004658/4}:  
 25 "b. We have some Alucobond A2 in stock from which we

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1 can fabricate the panels.  
 2 "c. AP has confirmed they have 180mm RW in stock in  
 3 Pembridge to service this test."  
 4 So that's the background to that.  
 5 Now, the next part of this email I want to focus on  
 6 particularly, d:  
 7 "Siderise have recommended we use the Envirograph  
 8 cavity barrier products. These meet regs requirements  
 9 but their performance is expected to be poor. We will  
 10 not utilise panel inserts but attempt to cut the  
 11 cavity barriers to suit the geometry of the panels this  
 12 will further weaken their performance.  
 13 "e. The panel system as drawn is expected to perform  
 14 badly in spite of being A2 as it relies on bonded  
 15 stiffeners and extrusions for its structural stability.  
 16 The panel is not fixed on its vertical edges and the  
 17 bonded connection are expected to deteriorate and fail  
 18 quickly in the BS8414 test. The way the internal corner  
 19 is detailed will allow the flames to bypass the vertical  
 20 cavity barriers and attack the cavity of the wing wall.  
 21 "f. The vertical joint is ventilated and the fire  
 22 will enter the assembly through this baffled joint.  
 23 "g. The horizontal joint is ventilated and the fire  
 24 will enter the assembly through this baffled joint."  
 25 It looks from those parts of this description of

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1 what was proposed that this was a deliberately planned  
 2 test so that it would fail, deliberately set up to fail?  
 3 A. I think — again, I think that is the weakest option of  
 4 a compliant system. So it would still be compliant with  
 5 that — I'm not sure whether that would be a typical  
 6 build-up, but certainly a potential build-up. So  
 7 I think, again, it was designed around building  
 8 something which could be used on a building potentially.  
 9 Q. But you're not setting up, are you, a worst-case  
 10 scenario kind of or, as you put it, weakest option of  
 11 a compliant system in order neutrally to see what  
 12 happens; you're setting it up deliberately so that it  
 13 will fail, the performance will be weaker. That's  
 14 what's happening here, isn't it?  
 15 A. But that system would still be within regulations and  
 16 guidance. So if that system then fails, it proves the  
 17 point.  
 18 Q. Why not just set up a best-case scenario in order to do  
 19 the comparison?  
 20 A. Because a best-case scenario, regardless of the  
 21 materials that you do — you use is very likely to pass.  
 22 As we've got many passes with our product built to those  
 23 conditions, I'm sure with, you know, a non-combustible  
 24 insulation, that would also pass.  
 25 Q. Why not take an example from one of the historic desktop

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1 studies, Pendleton Spruce, for example, and just  
 2 replicate that, and just use mineral fibre, in other  
 3 words a system that was being used in the market?  
 4 A. Because if you've got a PE-cored ACM on, for example,  
 5 that was already proved that that would fail by the  
 6 Government testing.  
 7 Q. All right. Try one without a PE core.  
 8 A. Well, this — but then a PE core — not a PE core is not  
 9 of limited combustibility, unless you're then talking  
 10 about the A2 product. So this is an A2 product, so it's  
 11 got the linear route to compliance. So this system is  
 12 a linear route to compliance system.  
 13 Q. Well, it's not a linear route to compliance system, is  
 14 it? That's a conflation of two separate concepts.  
 15 There is no such thing as a linear route to compliant  
 16 system, is there? You either have a linear route to  
 17 compliance which passes the limited combustibility  
 18 tests, or you have a system test.  
 19 A. So this was built — so there's a system on the  
 20 building, that's the system I'm talking about, that  
 21 system would comply with the linear route to  
 22 compliance —  
 23 Q. Well —  
 24 A. — which if you then subject to an 8414 test and it  
 25 fails, proves the point we're trying to make.

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1 Q. How else can you explain what Mr Jenkins says in e,  
 2 for example — and it is only an example of what he is  
 3 saying — where the panel is not fixed on its vertical  
 4 edges and the bonded connections are expected to  
 5 deteriorate and fail quickly? Why did you set out to  
 6 have the panels deteriorate and fail quickly?  
 7 A. Like I say, that's a potential design that could get  
 8 used on a building.  
 9 Q. The email continues:  
 10 "Assuming sign off of drawings tomorrow we will ..."  
 11 And then he sets out a set of proposed milestones,  
 12 and then he says:  
 13 "Also looking to source some Vitracore G2 via  
 14 a contact in Dubai. This would be another deemed to  
 15 satisfy product that we feel [would] perform poorly as  
 16 part of a system ...  
 17 "Everything is going to have to go like clockwork  
 18 for all this to work but is all possible."  
 19 I will come back to Vitracore G2 shortly.  
 20 Your response to all of this is the next email above  
 21 it on 11 April 2018 {KIN00004658/3}, and you say there  
 22 on page 3:  
 23 "Thanks Nick.  
 24 "I can also provide some technical support (plus  
 25 filming) for the ISO 13785—1 testing in Ulster, once we

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1 have confirmation of dates please let me know and I will  
 2 arrange."  
 3 I think I take it from that that at least you agreed  
 4 with this scheme that Nick Jenkins was proposing, or  
 5 rather that Mark Harris and Nick Jenkins had been  
 6 proposing?  
 7 A. Yes.  
 8 Q. Did Mr Murtagh or Mr McCarthy, who are copied in on  
 9 these emails, express to you any disagreement with the  
 10 plan to set up the Dubai test so that it would perform  
 11 in the way that Mr Jenkins had predicted or described in  
 12 his email?  
 13 A. No.  
 14 Q. Did you have any discussion with Gene Murtagh or  
 15 Gilbert McCarthy about these proposals?  
 16 A. No, not that I recall.  
 17 Q. What was the purpose of including these very senior  
 18 members of the management in this email chain?  
 19 A. I don't know what the purpose was from the original  
 20 email that came out, other than obviously to keep them  
 21 abreast of the work that we were doing.  
 22 Q. Gene Murtagh was, and I think remains, the chief  
 23 executive officer of Kingspan Global, doesn't he?  
 24 A. That's correct.  
 25 Q. So this linear route action plan was not some detailed

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1 proposal in some distant part of the business; this  
 2 proposal went right to the very top of the Kingspan  
 3 organisation, didn't it?  
 4 A. These emails are copied in to Gene and Gilbert, so ...  
 5 Q. We haven't seen — and we've seen a lot of material in  
 6 the last two and a half weeks from Kingspan — I think  
 7 I'm right in saying, any emails at all with  
 8 Gilbert McCarthy or Gene Murtagh on them. Does that  
 9 tell us that, of all the things to do with K15, this was  
 10 of particular importance to Kingspan as a global entity?  
 11 A. Yes, it would be.  
 12 Q. Now, on page 2 {KIN00004658/2}, if we go up, we can see  
 13 Nick Jenkins' response on the same day, 15.50, to you,  
 14 again copied to the same copy or recipient parties:  
 15 "I appreciate that Adrian. Thanks.  
 16 "Roy, any news on the availability of the Efectis  
 17 facility next week? The ball is rolling for production  
 18 of 5 panel sets as per the drawings I sent last night.  
 19 "Regarding the Dubai tests please find attached the  
 20 drawings for review and sign off. The assembly is  
 21 currently detailed with a blockwork wall, it will in  
 22 fact be an SFS wall. I have introduced as many weak  
 23 features/details as possible to ensure it has the best  
 24 chance of performing poorly whilst at the same time  
 25 retaining the panel modules and cavity barrier

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1 arrangement associated with all tests to date. If you  
 2 have any comments these will be needed by return as  
 3 material will be CNC cut and fabricated into panels  
 4 tomorrow."  
 5 Now, Mr Pargeter, that, I have to suggest to you,  
 6 speaks entirely for itself, doesn't it? The plan here  
 7 was to ensure that the design had as many weak features  
 8 or details as possible to ensure that it had the best  
 9 chance of performing poorly?  
 10 A. That's right, and, again, within the linear route. So,  
 11 again, it's possible to have a system built with those  
 12 weak points in it onto a building. So the idea is  
 13 obviously to test that and prove that it can fail.  
 14 Q. So do I take it that you're setting up a test — is this  
 15 right, is this your evidence? — to be done which would  
 16 be deliberately designed to fail?  
 17 A. No, it's deliberately got features in which could be  
 18 built on a building which could impact its fire  
 19 performance.  
 20 Q. I'm not sure I see the difference. I have suggested to  
 21 you that it was designed with all these weak features so  
 22 that it would have the best chance of performing poorly,  
 23 in other words designed to fail.  
 24 A. Yes, it wasn't — it was not designed to be the most  
 25 robust system you could build under the linear route; it

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1 was designed to be at the other end of that linear  
 2 route, which —  
 3 Q. It was not designed to be the best, but nor, equally,  
 4 was it designed to be neutral, in other words fairly  
 5 representative; it was deliberately designed to fail.  
 6 Now, do you accept that?  
 7 A. It was to perform — it was to be the most challenging  
 8 system design under the 8414 test.  
 9 Q. Well, there are challenging tests and there are tests  
 10 which are designed to fail.  
 11 A. No, if it was designed to fail then we could have taken  
 12 out the fire barriers, we could have done a lot more.  
 13 This was designed to perform poorly, but we wouldn't  
 14 know if it would fail until you tested it.  
 15 Q. I accept that, but I'm looking at motive, intention.  
 16 The intention of Kingspan, right to the very top of the  
 17 organisation, was to set up a test in Dubai that was  
 18 designed to fail.  
 19 A. It was designed to perform poorly.  
 20 Q. What's the difference?  
 21 A. Well, you could guarantee a failure by doing a lot of  
 22 other things, but those other things probably wouldn't  
 23 be typical options within a build-up. So these are  
 24 typical options within a build-up, to challenge that  
 25 system under the test.

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1 Q. If we change the words "performing poorly" to "fail", to  
 2 ensure that it has the best chance of failure, that  
 3 would come to the same thing, wouldn't it?  
 4 A. No, it didn't necessarily. It was just to perform  
 5 poorly. We could guarantee a failure, but that wasn't  
 6 the intention; the intention was to look at the options  
 7 that were available under the linear route, what system  
 8 could you build, this is a potential system, it isn't  
 9 the strongest design, it is designed to challenge the  
 10 system under the test, and if that fails then you've  
 11 proved your point, or if it performs poorly.  
 12 Q. Were you going to compare this system with the best  
 13 chance of performing poorly with an equal and opposite  
 14 K15 test which also had the best chance of performing  
 15 poorly?  
 16 A. No, because K15 or any other combustible insulation  
 17 can't be allowed via the linear route.  
 18 Q. But this is an 8414 test you're setting up, isn't it?  
 19 A. Yes.  
 20 Q. So were you going to do a K15 8414 test which also had  
 21 the equal best chance of performing poorly so that those  
 22 reading the two tests side by side could make a proper  
 23 comparison?  
 24 A. No, we weren't questioning — what we were doing with  
 25 this test was questioning the linear route, and K15

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1 can't be used on the linear route, so there's no point  
 2 doing that test to challenge the linear route using  
 3 a combustible insulation.  
 4 Q. So the idea was to set up an 8414 test using mineral  
 5 wool which had the best chance of performing poorly so  
 6 that you could then go to Government and say, "Because  
 7 it performs poorly in an 8414 test, you shouldn't be  
 8 labelling it non-combustible"?  
 9 A. No, nothing about labelling the product.  
 10 Q. All right, it should be — well, what would happen to  
 11 it? What was the idea? You tell me.  
 12 A. That the system, that system, shouldn't be allowed on  
 13 a building, if you use BR 135 as your criteria for  
 14 safety.  
 15 Q. And how would that help you?  
 16 A. Because with the linear route, that system could be  
 17 built, therefore not meeting the requirements of BR 135.  
 18 Q. What was the problem you were seeking to address by  
 19 showing that mineral wool might also fail in  
 20 an admittedly poorly designed test under 8414?  
 21 A. That you shouldn't rely on the linear route as a guide  
 22 to designing safe systems, you should rely on an 8414  
 23 test.  
 24 Q. But you had told us earlier that there had been no  
 25 historic problem with mineral wool, whether or not used

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1 in an 8414 test. So what was the problem that you were  
 2 seeking to address by this test?  
 3 A. To challenge the assumption that because the products  
 4 individually achieve a certain classification, that  
 5 together they necessarily produce a system which could  
 6 be — which could fail or pass an 8414 test, which is —  
 7 you know, we're using that as a benchmark to safety. It  
 8 doesn't seem to make sense if you have a linear route  
 9 system which doesn't have any large-scale test which  
 10 could go on to a building, but then you have  
 11 a large-scale test requirement because the products are  
 12 combustible within that system.  
 13 So you have potentially different levels —  
 14 imbalanced requirement on a system design that goes onto  
 15 a building because the products are individually  
 16 labelled.  
 17 Q. As at April 2018, were you aware of any failure of  
 18 a cladding system in which mineral wool fibre had been  
 19 used as the insulation product?  
 20 A. I think there were references to — are you talking  
 21 about 8414 or just generally?  
 22 Q. Forget the tests.  
 23 A. Okay.  
 24 Q. Were you aware of any experience in which a cladding  
 25 system on the outside of a high-rise building had failed

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1 where the insulation in that system was mineral wool  
 2 fibre?  
 3 A. Not that I can recall, no.  
 4 Q. So in setting this test up in this way, you weren't  
 5 in fact seeking to address a problem which had arisen in  
 6 experience, were you?  
 7 A. No, we were addressing a potential problem with that  
 8 assumption.  
 9 Q. What I would suggest you were doing was attacking the  
 10 opposition for market share reasons.  
 11 A. No, it's trying to address an equitable level of safety.  
 12 Q. Let's move on.  
 13 The test went ahead, didn't it, and it failed?  
 14 A. Yes.  
 15 Q. And I think it went ahead in fact in July 2018, 2 July,  
 16 didn't it?  
 17 A. I believe so.  
 18 Q. Yes, just to be clear, we've got the test or the  
 19 classification report at {KIN00000480}. Let's have  
 20 a look at that, please. It's report number SR0894,  
 21 "Vitracore G2 Composite Panel with 180mm Rockwool Duo  
 22 Slab Insulation", and if we look down to the next page  
 23 {KIN00000480/2}, we can see, just working through it —  
 24 and this is an Exova test — the test sample description  
 25 with Siderise cavity barriers there, and then over the

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1 next page {KIN00000480/3}, the insulation,  
 2 180 millimetres of Rockwool, railing, and the cladding  
 3 panel there, Vitracore G2, and more details on the  
 4 right-hand side.  
 5 If you go to the next page {KIN00000480/4}, you can  
 6 see the drawings, the build-up.  
 7 Do you have any reason to think that what was tested  
 8 as per this classification report was different from  
 9 what was discussed in the April emails we have been  
 10 looking at?  
 11 A. No, not that I can think of.  
 12 Q. No.  
 13 Let's go to {INQ00014076}, please. This is a letter  
 14 written by Richard Burnley to Clive Betts MP as Chair of  
 15 the Housing, Communities and Local Government  
 16 select committee, and it's dated 6 July 2018, so  
 17 four days after the Dubai test. I just want to show you  
 18 one or two paragraphs in it.  
 19 First of all, I should ask you: have you seen this  
 20 letter before?  
 21 A. I think so.  
 22 Q. Did you see it at the time?  
 23 A. I can't recall.  
 24 Q. Did you have any input into drafting it?  
 25 A. I can't recall.

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1 Q. "Dear Mr Betts.  
 2 "Thank you for inviting Kingspan Group to give  
 3 evidence to the Housing, Communities and Local  
 4 Government Select Committee regarding your inquiry into  
 5 Dame Judith Hackitt's Independent Review of Building  
 6 Regulations and Fire Safety.  
 7 "First, I wanted to take this opportunity to  
 8 reiterate that as the world's leading manufacturer of  
 9 insulated construction products containing both  
 10 combustible and non-combustible insulation our first  
 11 priority is safety. We are deeply saddened by the  
 12 terrible tragedy of Grenfell and take our  
 13 responsibilities as a manufacturer very seriously. We  
 14 believe that Kingspan has carried out more product and  
 15 full system fire safety tests than any other  
 16 construction material company and are committed to doing  
 17 whatever is necessary to address the issues of  
 18 transparency, labelling, traceability and  
 19 technical/ installation support identified by  
 20 Dame Judith Hackitt.  
 21 "I also wanted to repeat that the applications and  
 22 products caught by a ban on combustible materials as  
 23 proposed by the Government's consultation on 'Banning  
 24 the use of combustible materials in the external walls  
 25 of high-rise residential buildings' would represent

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1 significantly less than 1% of Kingspan's Group turnover.  
 2 Our position is not about commercial benefit but about  
 3 ensuring that building regulations are always rooted in  
 4 science and engineering."  
 5 Then the next paragraph talks about the evidence  
 6 given by those at the committee, and some individuals  
 7 are identified there.  
 8 Then it says this:  
 9 "Regarding BS 8414 we would also like to take this  
 10 opportunity to agree with the comments of Sir Ken Knight  
 11 and Mark Hardingham, notably that the test is set at  
 12 a very high-bar, that its credibility is not as doubtful  
 13 as some have suggested, and that of the 300 buildings  
 14 that have the wrong cladding none have undertaken or  
 15 passed the test. We also support the view of the entire  
 16 second panel that there is an important place for  
 17 desktop studies in the building regulations, provided  
 18 they are reformed, rooted in primary test evidence and  
 19 carried out by qualified assessors.  
 20 "I have set out Kingspan's position in more detail  
 21 below and enclose copies of Tenos International Fire  
 22 Engineering Consultants' BS 8414 Review and details of  
 23 the failed A1/A2 tests which I referred to in my  
 24 evidence. I hope this information proves useful to the  
 25 Committee and if you have any further questions then

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1 please do not hesitate to contact me."  
 2 Now, if we go to page 4 of this document  
 3 {INQ00014076/4}, we can see that this is part of what is  
 4 in fact a 94—page submission, isn't it, to the  
 5 department, or to Clive Betts —  
 6 A. Yes.  
 7 Q. — as Chair of the select committee.  
 8 Halfway down the page he identifies:  
 9 "Failed A1/A2 Large Scale Fire Tests."  
 10 Just in general — and I've dived rather into the  
 11 middle of this — were you involved in drafting this  
 12 94—page submission?  
 13 A. I don't recall. Possibly.  
 14 Q. Who else, or who would have been?  
 15 A. I think Richard Burnley, obviously, and the team at  
 16 Kingspan, so that would be John Garbutt.  
 17 Q. Right. You were head of technical —  
 18 A. Yes.  
 19 Q. — and marketing.  
 20 A. I think I was involved.  
 21 Q. You were involved, you think?  
 22 A. Yes.  
 23 Q. Yes.  
 24 "Kingspan has evidence of three failed large scale  
 25 fire tests where the cladding system was made up of A1

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1 and A2 products. The tests are detailed below and  
 2 supporting documentation is enclosed."  
 3 Do you see that?  
 4 A. Yes.  
 5 Q. Now, let's go to page 5 {INQ00014076/5}, please, at the  
 6 bottom, where Kingspan have set out, "Test Three":  
 7 "This is a test which was carried out at Exova in  
 8 Dubai on July 2nd 2018. The test was commissioned by  
 9 Kingspan. The system was comprised of Rockwool DuoSlab  
 10 (which is rated A1) and Vitracore G2 (which is rated  
 11 A2). The construction of the test rig was a replica of  
 12 the Ministry of Housing, Communities and Local  
 13 Government tests conducted immediately after the tragedy  
 14 at Grenfell Tower. The test failed on the basis of  
 15 thermocouple data which is detailed in the enclosed  
 16 preliminary report ...  
 17 "Enclosed are brochures detailing Rockwool DuoSlab  
 18 and Vitracore G2 as well as PDFs of the sectional  
 19 drawings of the test rig. Also enclosed are contact  
 20 sheets of stills from the build and test. Video of the  
 21 first 15 minutes of this test has been posted to the  
 22 Committee. Kingspan is waiting for the final  
 23 classification, test reports and full video footage and  
 24 these will be forwarded to the committee as soon as they  
 25 are received.

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1 "Despite failing this BS 8414 test, the products  
 2 used in this system are A1 and A2 and would therefore be  
 3 automatically permitted under current Building  
 4 Regulations and the Government's proposals on banning  
 5 the use of combustible cladding. This evidence supports  
 6 Kingspan's view that cladding systems should be subject  
 7 to large scale tests (as complete systems in their  
 8 intended configuration) in order to meet the objective  
 9 of fire safety."  
 10 We don't see anywhere in this letter, or indeed in  
 11 any of the underlying material, where Mr Burnley or  
 12 anybody else at Kingspan tells the select committee that  
 13 the test was designed to perform poorly, do we?  
 14 A. No.  
 15 Q. We don't see anywhere where they are told that it was  
 16 set up to fail or a worst—case scenario, do we?  
 17 A. No.  
 18 Q. Now, Mr Burnley was one of those senior individuals at  
 19 Kingspan who was not on the email string from April.  
 20 Did he know that the test was designed to perform poorly  
 21 when he wrote this letter to the best of your knowledge?  
 22 A. I don't know, to the best of my knowledge, whether he  
 23 knew that.  
 24 Q. Did you not have a discussion with Mr Burnley about this  
 25 test before he wrote this letter?

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1 A. I can't recall.  
 2 Q. It's unlikely — and I'm not asking you to speculate,  
 3 but just to accept what is common sense: that you, as  
 4 head of technical and marketing and engaged in the  
 5 campaign as we have seen for some months, would have  
 6 been bound to have had a discussion of some kind with  
 7 him about these failed tests; no?  
 8 A. Well, we would have done, yes.  
 9 Q. It's important, you see, because I don't want to ask  
 10 Mr Burnley something which is unfair.  
 11 Did Mr Burnley, to the best of your knowledge, know  
 12 that the July test was designed to perform poorly?  
 13 A. I couldn't confirm whether he did or not.  
 14 Q. Was there a plan to keep Mr Burnley in the dark about  
 15 the test being designed to perform poorly so that he  
 16 would write this letter in all innocence?  
 17 A. No, I don't think there was a plan to keep him in the  
 18 dark.  
 19 Q. Why did you not — or did Kingspan not — tell  
 20 Clive Betts, Chair of the select committee, that the  
 21 test done in Dubai was deliberately designed to perform  
 22 poorly?  
 23 A. Because it was designed as a potential system on  
 24 a building.  
 25 Q. How would Mr Betts know that from this letter?

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

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1 test.  
2 SIR MARTIN MOORE-BICK: So I think it follows that it was  
3 not intended to be fairly representative of what one  
4 might expect to see built.  
5 A. I think I'd agree with that, yes.  
6 SIR MARTIN MOORE-BICK: Thank you.  
7 MR MILLETT: Therefore anybody reading this letter would be  
8 misled by the results of that test into thinking that  
9 tests involving mineral fibre were just as likely to  
10 fail as tests involving Kingspan K15, when that was —  
11 A. I think it —  
12 Q. — not true and known by Kingspan not to be true?  
13 A. No, I think if the letter had said this was built as  
14 a typical standard system then that would be true, but  
15 it doesn't say that, it just says what the system was.  
16 Q. Do you accept this much: that Kingspan deliberately  
17 concealed from the select committee the fact that this  
18 test was deliberately designed to perform poorly?  
19 A. No.  
20 Q. You don't accept that it was deliberate?  
21 A. Deliberate —  
22 Q. You thought it was an accident, did you?  
23 (Pause)  
24 A. No, I think — I don't think it was an accident. There  
25 was no deliberate attempt to mislead, it just was

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1 a system which complied with the linear route.  
2 Q. Why not tell Mr Betts, as part of your response to the  
3 Hackitt consultation, that the Dubai test was  
4 deliberately constructed with weaknesses in it in order  
5 to enhance its chance of performing poorly? Why not say  
6 that?  
7 A. Well, we could have done, but we didn't.  
8 Q. Come on, Mr Pargeter, this was a deliberate attempt to  
9 deceive Mr Betts and the select committee, wasn't it?  
10 A. No, it wasn't a deliberate attempt at all to —  
11 Q. There is no other way of explaining it, is there?  
12 A. It was a system designed along — potentially along the  
13 linear route. That's all it was.  
14 Q. And anybody reading this letter would have been misled  
15 deliberately by Kingspan into thinking that this test  
16 was a fairly representative test and that mineral wool  
17 had just as high a chance of failure as Kingspan in  
18 an 8414 test, and that was the purpose of it, wasn't it?  
19 A. No, I disagree.  
20 Q. There you are in mid-2018, in the aftermath of the  
21 Grenfell Tower fire, presenting evidence to the  
22 select committee which was gamed.  
23 A. That's not correct.  
24 Q. Now, there is a response to this letter, {KIN00002540}.  
25 It's a letter which comes at the end of the month,

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1 July 2018, from Rachel McLean, who was the  
2 director general at the MHCLG. There it is on the  
3 screen.  
4 It goes to Gene Murtagh, your CEO at the time and  
5 still. Can you explain why Ms McLean chose to right to  
6 Mr Murtagh as opposed to Mr Burnley?  
7 A. No.  
8 Q. Do you know whether there was any communication between  
9 Kingspan and the Ministry of Housing, Communities and  
10 Local Government between 6 July and 31 July, when this  
11 letter was written?  
12 A. I can't recall specifically between those dates.  
13 Q. All right.  
14 Let's look at the letter:  
15 "Dear Sir.  
16 "In your letter of the 6th of July to the Chair of  
17 the Housing, Communities and Local Government Select  
18 Committee you refer to evidence of cladding systems  
19 constructed from products rated A1 and A2 failing to  
20 achieve the standards required by the British Standard  
21 (BS) 8414 large scale system test.  
22 "In your evidence to the Committee you refer  
23 specifically to a BS 8414 test commissioned by  
24 yourselves on Vitracore G2 cladding and Rockwool DuoSlab  
25 carried out at Exova Warringtonfire's Dubai testing

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1 house on 2nd July 2018, and you commit to sharing the  
 2 full results of the test with the Committee as soon as  
 3 you receive them.  
 4 "The Ministry of Housing, Communities and Local  
 5 Government is taking forward work as quickly as possible  
 6 to establish whether there is a public safety risk in  
 7 relation to this cladding, and to determine any action  
 8 that should be taken to ensure public safety. It is of  
 9 the highest priority for Ministers that we establish  
 10 whether there is a risk to public safety. Based on your  
 11 colleagues' contact with the Department to date, I know  
 12 that you are committed to ensuring maximum public safety  
 13 and to assisting us with our investigation.  
 14 "I understand that Exova Warringtonfire have now  
 15 provided you with the full report for the Dubai test and  
 16 I am writing to ask for a copy to be sent to us by  
 17 return, along with your agreement for the Department to  
 18 enter into direct communication with Exova  
 19 Warringtonfire regarding the test. This information  
 20 will help us to advance our investigation, which is  
 21 critical to providing assurance to the public on the  
 22 safety of their homes. I know that you appreciate the  
 23 urgency of our request."  
 24 Et cetera. I don't think I need the paragraph on  
 25 the next page. Perhaps we should just flash it up so

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1 that you have got the whole one {KIN00002540/2}:  
 2 "You have also agreed to provide us with the  
 3 remaining samples of the Vitracore cladding currently in  
 4 Dubai so that we can carry out further tests, and I ask  
 5 that you ensure that this request is expedited."  
 6 I have read the whole thing to you.  
 7 Now, did Mr Murtagh respond, do you know?  
 8 A. I don't know, I can't recall.  
 9 Q. Now, we've seen Mr Murtagh was on the April emails about  
 10 setting the test up to fail or setting it up to perform  
 11 poorly.  
 12 To your knowledge, did Mr Murtagh or anybody else  
 13 ever write back to the department or to Clive Betts  
 14 asking them to ignore the 2 July 2018 Dubai test?  
 15 A. Not to my knowledge.  
 16 Q. I'm going to suggest to you that, on what we've looked  
 17 at, Kingspan was engaged in a wholesale attempt to  
 18 mislead Clive Betts and the select committee into having  
 19 doubts about the linear route to compliance because of  
 20 the threat of the ban on combustibles based on  
 21 a deliberately manipulated test; that's right, isn't it?  
 22 A. No, it's not, it's to challenge the level of safety, and  
 23 the level of safety for us should be the BR 135/BS 8414  
 24 test, rather than the linear route.  
 25 Q. And Gene Murtagh, the CEO, who was in on the April

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1 emails, now receives this letter, and although  
 2 I entirely take your point that you don't know anything  
 3 about that, can you tell us whether Gene Murtagh ever  
 4 spoke to you or anybody else, to your knowledge, about  
 5 how to present or what to do about the 2 July Dubai test  
 6 in the light of the Government's increased and very  
 7 focused interest in it?  
 8 A. Not to me.  
 9 Q. The reality, Mr Pargeter, is that Kingspan's position,  
 10 even in 2018 in the face of a Government investigation  
 11 into fire safety after Grenfell, was doing its best to  
 12 ensure that the science was secretly perverted for  
 13 financial gain. That is the position, isn't it?  
 14 A. That's not the position at all, no.  
 15 Q. And that had been your own approach and Kingspan's  
 16 general approach for years.  
 17 A. I disagree.  
 18 Q. And it's still going on.  
 19 A. No, I disagree.  
 20 Q. I just want to ask you a little bit more about this test  
 21 and the G2, as we've seen that that was one of the  
 22 ingredients.  
 23 Can we go back to April 2018 and {KIN00004658},  
 24 please. This is the email of 10 April. If we go down  
 25 to page 3 {KIN00004658/3} — we looked at it before,

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1 it's the update on the Ulster and Dubai testing — he  
 2 refers at the bottom of page 3 to the test programme at  
 3 Ulster University, and then the Dubai test again at the  
 4 bottom of page 3 there and the panels.  
 5 If we go to page 4 {KIN00004658/4}, we can see that  
 6 he says at the bottom of the email in the middle of the  
 7 page:  
 8 "Also looking to source some Vitracore G2 via  
 9 a contact in Dubai. This would be another deemed to  
 10 satisfy product that we feel [would] perform poorly as  
 11 part of a system."  
 12 Is this the Vitracore G2 that was subsequently  
 13 sourced for the test that took place on 2 July?  
 14 A. I believe so.  
 15 Q. Did Kingspan realise that Vitracore G2 was a highly  
 16 unreliable product?  
 17 A. Unreliable in what sense?  
 18 Q. Well, he says, "This would be another deemed to satisfy  
 19 product that we feel [would] perform poorly as part of  
 20 a system". So that particular component Mr Jenkins  
 21 thought was one of those, on top of the others, that  
 22 would assist the test to fail; yes?  
 23 A. Yes, I would agree.  
 24 Q. It's right, isn't it, that that product was then removed  
 25 from the market, wasn't it, in September 2018, only

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1 two months after this test? Do you remember that?  
 2 A. Possibly, yeah. I can't recall it specifically, but —  
 3 Q. I can show you a document: {KIN00000545}. This is  
 4 a letter from James Brokenshire MP, who was the  
 5 Minister, "Vitracore G2 cladding", and it's addressed to  
 6 Clive Betts:  
 7 "Dear Clive,  
 8 "The Government has today concluded fire safety  
 9 tests of the Vitracore G2 cladding product."  
 10 Then in the third paragraph:  
 11 "We have taken immediate action and referred this  
 12 matter to Trading Standards and asked the supplier to  
 13 withdraw the product from the market until it can  
 14 demonstrate it meets the required standard. We have  
 15 also contacted the two high rise residential building  
 16 owners that have purchased Vitracore G2 for use on their  
 17 buildings to inform them of our finding.  
 18 "This product is not widely used in the UK but we  
 19 have asked the Government's Independent Expert Panel  
 20 what additional action, if any, may be necessary."  
 21 So the test that Kingspan did, including  
 22 Vitracore G2 as one of those items that was expected to  
 23 assist the test to perform poorly, was not one of those  
 24 widely used in the UK. That's right, isn't it, looking  
 25 at this?

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1 A. Yes, I think so.  
 2 Q. And that would assist the test being unrepresentative,  
 3 wouldn't it?  
 4 A. Yes.  
 5 (Pause)  
 6 Sorry, can I have the question again, sorry?  
 7 Q. Yes. That would be an additional factor — let me put  
 8 it a different way — or component in the test that  
 9 would assist it to fail?  
 10 A. The fact that it wasn't widely used in the UK?  
 11 Q. No, you're quite right, you have muddled me and I have  
 12 muddled you. Let me try again.  
 13 The fact that Vitracore G2 was not widely used in  
 14 the UK would be a reason, among others, why the system  
 15 tested in Dubai was not a test of a system  
 16 representative of systems used in the UK?  
 17 A. I don't think so necessarily, but I accept the fact that  
 18 Vitracore G2 isn't a common product in the UK.  
 19 Q. Now, we've seen Kingspan's plan, which was to  
 20 demonstrate by empirical evidence, so it was to appear,  
 21 that the deemed to satisfy system had failed  
 22 a large-scale fire test.  
 23 Can we go to {KIN000005030}, please. This is  
 24 an email of 5 July 2018, just the third email down on  
 25 page 1 there, from John Garbutt, Kingspan's divisional

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1 marketing director, to Brian Martin.  
 2 Note the date. It's three days after the Dubai  
 3 test, but the day before Mr Burnley wrote his letter to  
 4 Clive Betts enclosing the 94-page analysis and the Dubai  
 5 test result.  
 6 He says this:  
 7 "Hi Brian."  
 8 And just to be clear, Brian Martin was not only the  
 9 author of the 2003 BR 135, but in 2018 was head of  
 10 technical policy, wasn't he, in the Building Regulation  
 11 and Energy Performance Division of the MHCLG? That's  
 12 right, isn't it?  
 13 A. I believe so, yes.  
 14 Q. Yes:  
 15 "Hi Brian."  
 16 Pausing there, I should ask you: was he familiar to  
 17 the marketing team at Pembridge?  
 18 A. I wouldn't say he was familiar to the marketing team in  
 19 general, but I certainly was aware of Brian Martin.  
 20 Q. Had you met him?  
 21 A. Yes.  
 22 Q. In what context?  
 23 A. I think I'd met him at — there was — I think it was  
 24 called a BEA(?), something like that, which was looking  
 25 at the definitions in ADB. I was part of a group there

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1 for a short while. I think I'd met him at the  
 2 Government fire testing.  
 3 Q. When was the first time you met Brian Martin?  
 4 A. Probably at the BEZA(?), I think it was called, group.  
 5 Q. When was that?  
 6 A. 2015.  
 7 Q. Right.  
 8 A. Around that time.  
 9 Q. Okay. Did other people at Kingspan meet him with you?  
 10 A. The BEA meetings were just me — well, just me from  
 11 Kingspan. I think we've met him with — I think I've  
 12 met him with John Garbutt once as well.  
 13 Q. Right. How often were the meetings with Brian Martin?  
 14 A. Not very often. Quite rare.  
 15 Q. What sort of things did you discuss with Brian Martin at  
 16 those meetings that you had with him?  
 17 A. Erm ... so the BEA meetings were around the definitions  
 18 and the update of ADB, and our meetings would have been  
 19 around our products and where Kingspan was moving  
 20 forward with ...  
 21 Q. Right. Are there notes of those meetings?  
 22 A. I can't recall. I think I've mentioned them in my  
 23 witness statements, what I've recalled.  
 24 Q. Right.  
 25 Did you communicate with Mr Martin by email on the

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1 occasions you did communicate with him?  
 2 A. Yes, sometimes, yes.  
 3 Q. In John Garbutt's email he says this:  
 4 "Hi Brian  
 5 "The test we discussed earlier was conducted on  
 6 Monday this week at Exova in Dubai (UKAS accredited  
 7 laboratory), to BS8414 and is a test of a current UK  
 8 system. It was commissioned by Kingspan.  
 9 "This test was of a system incorporating Rockwool  
 10 DuoSlab and Vitracore G2. The former is A1 and the  
 11 latter is A2. See attached literature.  
 12 "The construction of this test assembly was  
 13 a replica of the MHCLG tests conducted immediately  
 14 post Grenfell. It can be seen on the attached sectional  
 15 drawings.  
 16 "We erred on the safe side and so the ACMs had their  
 17 edges folded over to protect the core of the panels from  
 18 the fire.  
 19 "This test failed on the basis of thermocouple data.  
 20 That data and a mini-report from Exova confirming the  
 21 'fail' are also attached.  
 22 "Also see attached a contact sheet of stills from  
 23 the build up and test.  
 24 "We have high resolution video of the first  
 25 15 minutes of this test which [is] in the post on

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1 a memory stick to you this evening. We only have the  
 2 first 15 at the moment because the GoPro failed due to  
 3 excessive heat.  
 4 "We are waiting for the classification and test  
 5 reports for this test and the test house's video footage  
 6 and we will forward them to you as soon as they are  
 7 received.  
 8 "[Regards]  
 9 "John Garbutt."  
 10 We see Mr Martin's response on 12 July:  
 11 "Hi John  
 12 "Thanks for sending the USB stick over, it seems  
 13 only to have video from the fire test at BRE, not the  
 14 test carried out at Exova."  
 15 Just pausing there, do you know, why did  
 16 John Garbutt think it appropriate to send Brian Martin  
 17 details of the failed July test?  
 18 A. I think it was just to update him.  
 19 Q. Well, given that Mr Burnley was just about to and did  
 20 the next day, as we see, send the details of this failed  
 21 test to Clive Betts, the Chair of the select committee,  
 22 why did Kingspan feel it necessary also to send these  
 23 details to the department, Brian Martin?  
 24 A. I just think, like I say, just to update him on what  
 25 we'd found.

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1 Q. Was it a pincer movement, using a second channel you  
 2 had?  
 3 A. I can't say, I just think John was trying to just update  
 4 Brian Martin with what we'd found.  
 5 Q. Did you discuss with Mr Garbutt opening, as it were,  
 6 a second front and sending the test results to  
 7 Mr Martin?  
 8 A. Not that I can recall.  
 9 Q. Right.  
 10 We can see Brian Martin's further email of  
 11 12 July 2018 a little bit higher up the page, and he  
 12 says:  
 13 "Hi John another question — a slightly odd request  
 14 perhaps.  
 15 "Do you have any of the Honeycomb material you  
 16 tested left over? As you might imagine we need to do  
 17 some work to understand the burning behaviour of this  
 18 material and our first task is to get hold of some!"  
 19 John Garbutt's response was:  
 20 "We do. But it might cost a meeting with  
 21 a minister. [Smiley face] John G."  
 22 Can you assist us with whether there was in fact  
 23 a meeting with a minister facilitated by Mr Martin or  
 24 anybody else?  
 25 A. Not that I can recall.

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1 Q. The impression one gets from this email run is that  
 2 Kingspan is, to use a colloquialism, perhaps, cosying up  
 3 to a senior civil servant in the MHCLG with a view to  
 4 using him as a stepping stone to access to power at the  
 5 very highest level. Would that be an unfair reading of  
 6 this email?  
 7 A. Yeah, I think it would be an overstatement of that.  
 8 I think —  
 9 Q. What was going on, then?  
 10 A. I think John was just being a bit sarcastic there, hence  
 11 the smiley face. I don't think he realistically meant  
 12 we would only supply him that if we got a meeting with  
 13 a minister. That was just a —  
 14 Q. Yes, one can see that it was clearly a light-hearted  
 15 comment because of the winking smiley face, we  
 16 understand that.  
 17 A. Correct.  
 18 Q. But in fact it is right, isn't it, as we've seen, that  
 19 access to the very highest levels of power, including  
 20 very senior ministers, was something Kingspan had been  
 21 planning with Portland, and indeed others, for many  
 22 months as part of its political engagement campaign,  
 23 hadn't it?  
 24 A. Yes, it was definitely —  
 25 Q. Therefore, it wouldn't have been surprising, would it,

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1 for Mr Garbutt to use his contact at the MHCLG in order  
 2 to try to achieve that?  
 3 A. I don't think that's — this is what that was about.  
 4 This was just informing Brian of the testing we'd done.  
 5 Q. To your knowledge, was there any discussion within  
 6 Kingspan at this time of using your contacts at the  
 7 MHCLG, the officials there, in order to try to access  
 8 ministers?  
 9 A. No, I think they would have been — MHCLG would be on  
 10 the list of people to contact.  
 11 Q. Did you get a meeting with a minister?  
 12 A. I can't recall. I think we might have — no, I can't  
 13 recall. I'm trying to second—think at the moment.  
 14 I can't recall.  
 15 Q. You would remember if you met a minister?  
 16 A. Yeah, I was just trying to think ...  
 17 Q. I mean, you don't meet that many, I imagine, in the  
 18 court of your working day.  
 19 A. No, I don't.  
 20 Q. So you would recall whether you did.  
 21 (Pause)  
 22 A. I think we did get a meeting with a minister.  
 23 Q. Who was that?  
 24 A. I'd have to check. I'd have to check my notes. I can't  
 25 recall at the moment.

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1 Q. What notes?  
 2 A. Well, I'd have to check my diary, I think.  
 3 Q. What diary?  
 4 A. My Outlook diary.  
 5 Q. Has that been disclosed to the Inquiry for this period?  
 6 A. I believe so. It's just on my computer.  
 7 Q. Well, we will check.  
 8 Who else, to the best of your recollection, sitting  
 9 there without your ability to consult your diary, would  
 10 have attended a meeting with a minister at this time?  
 11 A. It might have been John. I can't recall a specific —  
 12 at this very moment, a specific meeting with a minister.  
 13 Q. Has anybody at Kingspan been disciplined for presenting  
 14 a misleading picture to Clive Betts and the  
 15 select committee?  
 16 A. No, not that I'm aware of.  
 17 MR MILLETT: Mr Chairman, I've come to the end of my  
 18 questions, I think. I will need to check whether there  
 19 are one or two, and there is a matter of record —  
 20 SIR MARTIN MOORE—BICK: Yes, we will need the usual break,  
 21 won't we?  
 22 MR MILLETT: Yes.  
 23 SIR MARTIN MOORE—BICK: I think we'll just say ten minutes  
 24 on this occasion.  
 25 MR MILLETT: Yes.

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1 SIR MARTIN MOORE—BICK: Unless you have reason to think that  
 2 longer might be needed.  
 3 MR MILLETT: I don't, I think, at the moment. It depends  
 4 what's in my inbox, but we will check. If we say  
 5 ten minutes, and then come back to you if we need more  
 6 time, that would be helpful.  
 7 SIR MARTIN MOORE—BICK: Yes.  
 8 Mr Pargeter, when counsel gets to the end of his  
 9 questions, as he says he has, we always have a short  
 10 break so that he can check that nothing has been  
 11 overlooked, but also to enable others who are following  
 12 the proceedings from elsewhere to suggest further  
 13 questions that might be asked.  
 14 So we will stop now until 12.50. It may be that we  
 15 shall take a little longer if that's required, but we  
 16 will say 12.50 for the time being, and then we'll see if  
 17 there are any further questions at that point that we  
 18 need to ask you.  
 19 THE WITNESS: Okay, thank you.  
 20 SIR MARTIN MOORE—BICK: All right? Thank you very much.  
 21 Would you like to go with the usher, please.  
 22 (Pause)  
 23 Mr Millett, you can let us know if you think that  
 24 a bit more time is required, if there is a good reason.  
 25 MR MILLETT: Yes, thank you very much.

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1 SIR MARTIN MOORE—BICK: Right, 12.50, please.  
 2 (12.40 pm)  
 3 (A short break)  
 4 (12.50 pm)  
 5 SIR MARTIN MOORE—BICK: All right, Mr Pargeter, now we will  
 6 see if there are any more questions for you.  
 7 Mr Millett?  
 8 MR MILLETT: Yes, Mr Chairman, just literally one or two.  
 9 The first question is about the NHBC's July 2016  
 10 guidance. Now, I asked you earlier this morning, at  
 11 {Day85/28}, whether Kingspan had submitted a BS 8414  
 12 test on ACM to the NHBC as part of the exercise we saw  
 13 you doing in 2015 and you said no.  
 14 My question is: do you know if anyone had done  
 15 a desktop study justifying the use of K15 with ACM, and  
 16 in particular ACM PE core, and had submitted that to the  
 17 NHBC?  
 18 A. I believe there's been desktop studies with ACM,  
 19 FR-rated and A2.  
 20 Q. Yes.  
 21 A. I don't believe there's any been done with PE-cored.  
 22 Q. I see. The desktops justifying the use of K15 and ACM,  
 23 are those the ones we looked at yesterday in the routes  
 24 to compliance document, the case studies?  
 25 A. Yes.

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1 Q. Do you know whether those were submitted as case studies  
2 themselves to NHBC?  
3 A. I don't think they would — case studies would have been  
4 submitted.  
5 Q. The desktops?  
6 A. The desktops — desktop assessments for any projects,  
7 they may have been.  
8 Q. Right, thank you.  
9 Now, you referred to your diaries on Outlook. We  
10 have got those from you, but I'm afraid we can't search  
11 them for any evidence of your meeting with an MP without  
12 a date.  
13 Can you give us even roughly a date range when you  
14 think you might have met a minister?  
15 A. Yeah, as I say, I can't recall exactly whether I met  
16 a minister or not, but there were definitely meetings  
17 with MPs, and there was particularly a dinner I remember  
18 at the Houses of Parliament which I attended, and there  
19 may have been a minister at that, and that's why I was  
20 kind of struggling to recall whether there was  
21 a minister there or not.  
22 Q. That is clearly a matter of record, and we have that.  
23 That's the Kevin Hollinrake dinner in January 2018.  
24 A. Correct, yes.  
25 Q. There were ministers there, but I am really asking you

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1 about a meeting with a minister after July 2018.  
2 A. I can't specifically recall one then.  
3 Q. Right, okay. Thank you very much.  
4 Now, I have a final question for you, Mr Pargeter.  
5 Looking back on all the evidence that we've seen in the  
6 last two and a half days, and casting your mind back  
7 over everything that's happened, both before and after  
8 Grenfell, is there anything that you, in your heart,  
9 would have done differently, or anything you'd like to  
10 say to the families?  
11 A. Well, to the families, you know, deepest sympathies.  
12 I didn't think that a fire like that could happen in the  
13 UK.  
14 And in terms of what I would do differently, I would  
15 probably look back in history a bit more than I did when  
16 I first took over. If I was taking over another role in  
17 a similar way, I might be tempted to go back further in  
18 time to check things out.  
19 And I think, from my own perspective, and I think  
20 from the company's as well, we've definitely learnt some  
21 lessons, and we're trying to make improvements on our  
22 processes and procedures to try and ensure that we  
23 improve the way we control bringing new products to  
24 market and in the marketing of those products, and keep  
25 that under constant review.

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1 MR MILLETT: Well, Mr Pargeter, thank you very much for your  
2 evidence. I thank you very much for coming to  
3 the Inquiry and for assisting us with our  
4 investigations. So thank you.  
5 SIR MARTIN MOORE—BICK: Mr Pargeter, it's right that  
6 I should thank you on behalf of the panel for coming  
7 here to give your evidence. I know it's taken rather  
8 longer than perhaps you or we thought it might, but  
9 there were a lot of questions to ask you and it's been  
10 very helpful to have your evidence.  
11 So thank you very much for coming, and now of course  
12 you're free to go.  
13 THE WITNESS: Thank you.  
14 SIR MARTIN MOORE—BICK: Thank you.  
15 (The witness withdrew)  
16 SIR MARTIN MOORE—BICK: Right. Well, that's a convenient  
17 point as far as this morning is concerned.  
18 MR MILLETT: Yes, Mr Chairman.  
19 SIR MARTIN MOORE—BICK: We have another witness after lunch,  
20 is that right?  
21 MR MILLETT: Yes, at a time convenient to you, Mr Chairman,  
22 and that will be Richard Burnley.  
23 SIR MARTIN MOORE—BICK: Well, unless you need more time, I'm  
24 going to say 2 o'clock.  
25 MR MILLETT: 2 o'clock.

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1 SIR MARTIN MOORE—BICK: Very good. 2 o'clock, thank you.  
2 (1.00 pm)  
3 (The short adjournment)  
4 (2.00 pm)  
5 SIR MARTIN MOORE—BICK: Yes, Mr Millett.  
6 MR MILLETT: Yes, Mr Chairman, thank you. I now call  
7 Richard Burnley, please.  
8 MR RICHARD BURNLEY (sworn)  
9 SIR MARTIN MOORE—BICK: Thank you very much, Mr Burnley.  
10 Would you like to sit down and make yourself  
11 comfortable.  
12 THE WITNESS: Thank you.  
13 Questions from COUNSEL TO THE INQUIRY  
14 MR MILLETT: Mr Burnley, good afternoon.  
15 Can I start by thanking you very much for attending  
16 this public inquiry to give your evidence. We very much  
17 appreciate it.  
18 If you have any difficulty understanding any of my  
19 questions, I'm very happy to repeat them or put them in  
20 a different way.  
21 We're going to take regular breaks through the  
22 evidence, mid-afternoon today, but if you need a break  
23 at any other time, please let us know.  
24 Can I also please ask you to keep your voice up, so  
25 that the person who sits to the right of you there can

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1 get down everything you are going to say. Also, it  
 2 helps if you don't nod or shake your head, because the  
 3 "no" or "yes", as the case may be, doesn't come out on  
 4 the transcript, so you actually have to say "yes" or  
 5 "no", as the case may be.  
 6 A. Yes, I understand.  
 7 Q. You have provided a witness statement to the  
 8 Metropolitan Police and I think two witness statements  
 9 to the Inquiry.  
 10 A. I did, that's correct.  
 11 Q. Those will appear one by one on the screen in front of  
 12 you, but you should also have them in the file on the  
 13 desk in front of you as well.  
 14 Your first witness statement to the Metropolitan  
 15 Police is dated 14 August 2017, and that's at  
 16 {KIN00000096}. If you go to page 1 of that, there is  
 17 a signature there next to the date, 14 August 2017. Is  
 18 that yours?  
 19 A. It is, yes.  
 20 Q. There is a signature, I think, on the bottom of every  
 21 page of this document. I don't need to show it all to  
 22 you, but is that right?  
 23 A. It is, yes, that's correct.  
 24 Q. Your first witness statement to the Inquiry is dated  
 25 28 September 2018, {KIN00000554}. Is that the first

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1 page of your first witness statement?  
 2 A. It is, yes.  
 3 Q. Can you please go to page 13, where we can see  
 4 a signature. Is that signature yours?  
 5 A. It is, yes.  
 6 Q. There is also a second witness statement dated  
 7 25 September 2020. That's at {KIN00022622}, please.  
 8 Is that your second witness statement to  
 9 the Inquiry?  
 10 A. It is, yes.  
 11 Q. Can you please go to page 90. There is a signature  
 12 there above the date of 25 September 2020. Is that your  
 13 signature?  
 14 A. It is, yes.  
 15 Q. Have you read all of these witness statements recently?  
 16 A. I have.  
 17 Q. Do you say that the contents are true?  
 18 A. I do, yes.  
 19 Q. Have you discussed your statements or your evidence that  
 20 you're going to give today with anybody before coming  
 21 here?  
 22 A. No, I haven't.  
 23 Q. I will begin by asking you about your background, your  
 24 previous employment and your role at Kingspan.  
 25 Can we go to your first witness statement, please,

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1 at KIN00008838(sic), please, and I'd like to go to  
 2 page 2 in that.  
 3 At paragraph 2.1 on page 2 there you say that you  
 4 graduated —  
 5 A. I'm sorry, that's not the right one.  
 6 Q. You're right.  
 7 Can we go back to your first witness statement at  
 8 {KIN00000096}, please, which is your police witness  
 9 statement. You identify there that you joined Kingspan  
 10 in June 2014 as managing director for Britain and  
 11 Ireland for the insulation business.  
 12 A. Yes, that's correct.  
 13 Q. Now if we could go to your first witness statement to  
 14 the Inquiry at {KIN00000554/3}, please, you say that you  
 15 graduated from Loughborough University in 1987 with  
 16 a BSc in chemical engineering; yes?  
 17 A. That's correct, yes.  
 18 Q. At 2.2 you say:  
 19 "I have been working in the rigid insulation  
 20 products and insulation systems industry for over  
 21 14 years, becoming Product Director at Dow Europe GmbH  
 22 in January 2004. In that role, I was responsible for  
 23 the profitability of the Polyurethane business across  
 24 the European market, driving and implementing the  
 25 European strategy for the business."

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1 Was that PUR insulation products?  
 2 A. It was the raw materials for making PIR and some PUR  
 3 products.  
 4 Q. Right, I see.  
 5 From Dow, then I think you joined SIG in  
 6 January 2005, didn't you?  
 7 A. I did, that's correct.  
 8 Q. You joined as a divisional director managing a number of  
 9 their distribution branches.  
 10 A. Yes.  
 11 Q. In August 2008, you were promoted to managing director  
 12 of special markets at SIG, weren't you?  
 13 A. I was, yes.  
 14 Q. What was special markets?  
 15 A. It was actually a number of businesses that probably  
 16 didn't really fit anywhere else. Most of SIG's  
 17 businesses were arranged geographically, so within  
 18 special markets I had a number of things, from the  
 19 business in Ireland, I had purchasing in China, I was  
 20 setting up a business in the Middle East, I had an air  
 21 handling business, but there were a number of things,  
 22 including a contracting business in the UK. So I think  
 23 there was about six different business units.  
 24 Q. You say there were a number of things from the business  
 25 in Ireland, what was that?

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1 A. No, it was just — it was that I had responsibility for  
 2 SIG Ireland.  
 3 Q. I see.  
 4 A. So I was the managing director of SIG Ireland, and then  
 5 there were a number of other business units that were  
 6 also underneath me.  
 7 Q. Did any of those special markets involve the  
 8 manufacture, sale, testing or distribution of phenolic?  
 9 A. Of phenolic?  
 10 Q. Phenolic insulation.  
 11 A. So the Irish business would have been distributors of  
 12 Kingspan Kooltherm.  
 13 Q. Right.  
 14 A. We may have sold some Kooltherm in the Middle East as  
 15 well as we were developing that business, but I can't be  
 16 sure.  
 17 Q. What about Celotex's PIR products?  
 18 A. Yeah, Celotex PIR, we would have sold — we would have  
 19 been representatives for them in Ireland and also in the  
 20 Middle East.  
 21 Q. Right.  
 22 Now, from that role at special markets you were  
 23 appointed managing director, as we've seen from your  
 24 statement, in June 2014 for Kingspan Britain and  
 25 Ireland.

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1 A. Yes, that's correct.  
 2 Q. Were you specifically headhunted for that role or did  
 3 you apply?  
 4 A. No, they actually — I was headhunted. They contacted  
 5 me actually about a different role, which we agreed  
 6 wasn't suitable, and then some time later, a matter  
 7 of weeks, they contacted me about something else and it  
 8 turned out to be this one.  
 9 Q. What was the role they contacted you for?  
 10 A. It was a commercial director role. I found out  
 11 afterwards, they didn't tell me to start with, but  
 12 I believe it was a commercial director role in  
 13 Kingspan — what was then called Energy,  
 14 Kingspan Energy.  
 15 Q. Right, and —  
 16 A. Sorry, may I just — it wasn't Kingspan that contacted  
 17 me; it was a headhunter, I think, who was putting  
 18 a shortlist together.  
 19 Q. When was that, can you remember?  
 20 A. That would have been around October 2013.  
 21 Q. Right. 2013, I see.  
 22 A. Yes.  
 23 Q. So some nine months or so before you actually joined?  
 24 A. That's correct.  
 25 Q. When you did join, did you join the main board of

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1 Kingspan Insulation Limited, the company?  
 2 A. The main — I joined — I was a statutory director of  
 3 Kingspan Insulation, yes, but I wasn't what I would call  
 4 a main board director of Kingspan Group.  
 5 Q. Right. So let me just go a little bit further with  
 6 that.  
 7 You became a statutory director of  
 8 Kingspan Insulation Limited on joining Kingspan.  
 9 A. Yes.  
 10 Q. But you weren't a member of the main board, in other  
 11 words the board of the parent company, Kingspan Group  
 12 Plc?  
 13 A. Yes, I think — well, if that's the name, yeah. But no,  
 14 I wasn't.  
 15 Q. Were you ever?  
 16 A. No.  
 17 Q. Were you a director or did you occupy a senior executive  
 18 position in any other Kingspan company in the Kingspan  
 19 Group?  
 20 A. No.  
 21 Q. Right.  
 22 Now, in your first statement you refer to your  
 23 employer as Kingspan, namely Kingspan Insulation  
 24 Limited, which you define, I think, as Kingspan, but in  
 25 your second statement you refer to the company as

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1 Kingspan Insulation UK, which you define as  
 2 Insulation UK. Can you account for the difference?  
 3 A. It's clearly me writing it badly. I mean, I should have  
 4 referred to it as Kingspan Insulation Limited. I mean,  
 5 that was the business that I was employed and paid  
 6 through.  
 7 Q. It's the same company?  
 8 A. Same company, yes.  
 9 Q. So did your employer change in the four—and—a-half—odd  
 10 years that you were there?  
 11 A. No.  
 12 Q. No.  
 13 A. I'm sorry. Well, yes, it did, actually, because I did  
 14 move out of the Insulation business. Sorry, I correct  
 15 myself. I moved out of Insulation in December 2018 and  
 16 joined the Access Floors business as the managing  
 17 director for Europe, Middle East, Africa, and that was  
 18 the role that I then left later that year, in late 2019.  
 19 Q. As managing director of Kingspan Insulation Limited, or  
 20 Kingspan as you refer to it, did you report to anybody  
 21 on the main board?  
 22 A. Yes, I reported to Peter Wilson.  
 23 Q. Peter Wilson?  
 24 A. He was my boss, yeah.  
 25 Q. Did he have any position in Kingspan Insulation Limited?

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1 A. Yeah, I believe he was a statutory director as well for  
 2 the period I was there.  
 3 Q. But was he also a main board director?  
 4 A. Of the group?  
 5 Q. Group Plc?  
 6 A. He was, yes.  
 7 Q. I follow. He was your boss; was he always your boss?  
 8 A. He was my boss until I joined the Access Floor business.  
 9 Q. So late 2018?  
 10 A. End of 2018.  
 11 Q. Yes, end of 18.  
 12 Now, you left, I think, in early 2019, didn't you?  
 13 A. Late. It was October, actually.  
 14 Q. October 2019, right.  
 15 A. Yes.  
 16 Q. What was the reason for your departure?  
 17 A. Well, so I left Insulation, Kingspan Insulation, to go  
 18 into the Access Floors business, because it was  
 19 an opportunity to learn some new products that I didn't  
 20 know anything about, and there was a plan to develop it  
 21 across Europe, and it just didn't work out. I didn't do  
 22 particularly well, the business wasn't doing  
 23 particularly well and I wasn't enjoying it, and in fact  
 24 we had a very close family bereavement early in the  
 25 January of that year, and I just needed a break.

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1 Q. Your move from Insulation to Access Floors, why did you  
 2 make that move?  
 3 A. I think Peter knew that I was keen to develop my career  
 4 in Kingspan, and I'd been in that role then for  
 5 four years, was it, and there was an opportunity  
 6 available, and so I thought it was a good chance to try  
 7 and get some broader experience within the group.  
 8 Q. Did your departure have anything to do with the issues  
 9 then being uncovered by this Inquiry?  
 10 A. No, absolutely not.  
 11 Q. How often did you report as managing director to  
 12 Peter Wilson?  
 13 A. Formally we had a monthly review for the Britain and  
 14 Ireland business, but we would speak informally two,  
 15 three, four times a month, depending on what the issues  
 16 were and — but formally once a month we had a review  
 17 meeting, and actually a second review meeting where,  
 18 I think as I've said in one of my statements, the group  
 19 chief exec was there as well, and that was a divisional  
 20 level review.  
 21 Q. We know, because you told us, that you were at SIG in  
 22 a senior position from January 2005 until May 2014;  
 23 that's right, isn't it?  
 24 A. Yes.  
 25 Q. Although your position within SIG changed.

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1 During your time in those positions at SIG, is it  
 2 right that SIG was a distributor for Kingspan K15?  
 3 A. Yes. I mean, yes, I'm trying to think: did we sell K15?  
 4 We were definitely able to sell K15, yes.  
 5 Q. Yes, but did you have a distribution agreement with  
 6 Kingspan for the distribution of K15?  
 7 A. We had a distribution agreement for all of Kingspan's  
 8 products.  
 9 Q. Right.  
 10 A. So the answer is yes.  
 11 Q. Did your distribution agreement with Kingspan for K15  
 12 include use of K15 on buildings over 18 metres?  
 13 A. I wouldn't know.  
 14 Q. Was it something that crossed your desk at all?  
 15 A. No. I mean, to be honest, I don't think I even knew of  
 16 K15 in my time at SIG. It wasn't a product I knew.  
 17 I knew some of their other PIR products and one or two  
 18 of their Kooltherm range, but it wasn't something  
 19 I was — it wasn't a particular product I knew.  
 20 Q. I follow.  
 21 Did you know anything about its success during your  
 22 years —  
 23 A. No.  
 24 Q. — and how well it was received by customers?  
 25 A. No.

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1 Q. Did SIG generally undertake compliance or other safety  
 2 checks of its own on products which had been  
 3 manufactured by manufacturers with whom SIG had  
 4 a distribution agreement?  
 5 A. I don't believe they would do, I think they would rely  
 6 on the manufacturer's literature.  
 7 Q. Right. You say they would rely on the manufacturer's  
 8 literature; were there, to the best of your  
 9 recollection, any provisions in any of the distribution  
 10 agreements that SIG had with manufacturers such as  
 11 Kingspan which would give contractual force to the  
 12 marketing literature or warrant the safety of the  
 13 products?  
 14 A. Could you rephrase the question?  
 15 Q. I'll try it again.  
 16 A. I'm not sure I entirely understand.  
 17 Q. Do you remember whether SIG would generally have  
 18 contracts with manufacturers to distribute the products?  
 19 That's the first question.  
 20 A. Okay, I'm sorry. So we would have commercial  
 21 agreements.  
 22 Q. Yes.  
 23 A. But the contractual liability around the performance of  
 24 the product would sit with the manufacturer.  
 25 Q. Indeed, and my question is: in those agreements, do you

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1 recall, even in general terms, any express provisions  
 2 which stated that the manufacturer was responsible for  
 3 regulatory compliance, statutory compliance and product  
 4 safety?  
 5 A. I wouldn't have seen those agreements, so I wasn't  
 6 involved in setting them up, so I wouldn't be able to  
 7 answer the question.  
 8 Q. So you can't tell me whether Kingspan gave any  
 9 contractual warranty to SIG about the compliance of K15?  
 10 A. No, I can't.  
 11 Q. Right.  
 12 Can we take it that if, when you were at SIG, you  
 13 had discovered — and I know this is a hypothetical  
 14 question, so forgive me for asking it — that Kingspan  
 15 had asked you to distribute a product that was not  
 16 in fact compliant with the Building Regulations, would  
 17 you have been concerned?  
 18 A. Yes.  
 19 Q. Would you have wanted a full explanation?  
 20 A. I would, yes.  
 21 Q. And would you have stopped distributing the product, or  
 22 at least suspended?  
 23 A. Yeah, we would have had to have a discussion and  
 24 internally decide if it was the right thing to do.  
 25 I wasn't probably in a role at the level at which that

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1 decision would be made, but I would of course have made  
 2 my concerns known.  
 3 Q. When you joined Kingspan in 2014, did you have  
 4 a handover or induction session?  
 5 A. Not what I would call a formal handover, no. I mean,  
 6 the morning I arrived, I remember I sat down with Peter  
 7 for an hour or so, and actually I remember he gave me  
 8 a — it was a printed PowerPoint slide of the  
 9 organisation, the team that I was going to be managing,  
 10 and there were two empty boxes and the rest had names in  
 11 place.  
 12 Q. Right. That's Peter Wilson?  
 13 A. Peter Wilson, sorry, yes.  
 14 Q. I see.  
 15 Did you ever have a meeting or induction session  
 16 with Adrian Pargeter?  
 17 A. No.  
 18 Q. What about John Garbutt?  
 19 A. I would have had an informal chat with John. I don't  
 20 think there was a specific agenda, but — so there were  
 21 members of — I was — as the MD of Kingspan Insulation  
 22 in the UK — well, Britain and Ireland, we referred to  
 23 it — I would be a member of Peter's divisional team, as  
 24 were all of the regional MDs, and then there were  
 25 a number of other peers, as you would, who were doing

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1 functional roles, and I would have had informal meetings  
 2 with all of them during the first month, I'm sure.  
 3 Q. Would that have included Tony Millichap, who was, until  
 4 May 2015, head of technical?  
 5 A. So Tony Millichap reported to me as the — I think he  
 6 was technical manager. So I would have — I think I met  
 7 Tony on my first day.  
 8 Q. Did you have a discussion with him about generally what  
 9 your job would entail and what —  
 10 A. Yeah, we had a very informal chat for probably the best  
 11 part of an hour, I would imagine.  
 12 Q. Were you given an introduction to the different  
 13 insulation products in the Kingspan range?  
 14 A. No, I don't think I was.  
 15 Q. So we can take it that you weren't given  
 16 an introduction, therefore, to K15 in particular?  
 17 A. No, I wasn't.  
 18 Q. When do you think you first became familiar with K15 as  
 19 a product?  
 20 A. I mean, I became aware that it was one of the range  
 21 because I was — as I was getting into my role, I was  
 22 looking at some of the sales literature. I don't think  
 23 I probably properly took notice of it until it was  
 24 brought to my attention that there were some issues with  
 25 the NHBC.

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1 Q. And that would have been when, can you remember?  
 2 A. I think it was late 2014 where the volume of issues  
 3 started to take, you know, my attention.  
 4 Q. Do you remember what share of the above—18—metre market  
 5 Kingspan K15 had in 2014?  
 6 A. No, I don't. I mean, I know it's something we looked to  
 7 try and assess over time, but it was something that was  
 8 very difficult to do.  
 9 Q. Were you specifically told about issues which K15 was  
 10 facing relating to fire performance in tests?  
 11 A. No, I wasn't.  
 12 Q. So when you joined — and this is June 2014 — were you  
 13 aware of the planned large—scale fire test which was  
 14 scheduled for the following month, July 2014?  
 15 A. No, I wasn't.  
 16 Q. Were you given an overview of the fire performance  
 17 issues or fire performances of the product, including  
 18 the four large—scale fire tests in 2007 and 2008?  
 19 A. No.  
 20 Q. Did Kingspan bring you up to speed on the various blends  
 21 that they had been trialling and fire retardants that  
 22 had been used to try and improve the fire performance of  
 23 K15?  
 24 A. No.  
 25 Q. Was there ever a time when they did that?

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1 A. No, the only conversation I do remember being involved  
 2 with was there was a — I think it was more of  
 3 an informal conversation about a blend of  
 4 blowing agents, which I didn't completely follow, but  
 5 I remember being in the room when that was discussed.  
 6 Q. Do you know when that was?  
 7 A. Well, it was around — it was when we were looking at  
 8 launching the lower lambda Kooltherm range, and it was  
 9 a conversation about the consequence of trying to get  
 10 a blend that worked with K15, and at that point it took  
 11 my notice that they were talking — because that would  
 12 affect — they would have to do some more testing on  
 13 that product to underpin its performance.  
 14 Q. I think we may come to that. I think that's in 2014  
 15 though, wasn't it? So it was quite soon after you  
 16 arrived.  
 17 A. Yeah, I can't be sure of the date.  
 18 Q. Now, can we look at your second witness statement,  
 19 please, at page 16 {KIN00022662/16}. Let's look  
 20 together at paragraph 4.2. You say:  
 21 "I understood is that K15 is a rigid phenolic foam  
 22 insulation board. I do not know the precise technical  
 23 description of K15 being sold to the market during the  
 24 period June 2014 to June 2017, and as explained at  
 25 paragraph 3.1 above, it would not be part of my role to

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1 have this detailed level of knowledge about one specific  
 2 Insulation UK product."  
 3 Were you aware of the basic chemicals used to  
 4 produce K15?  
 5 A. I may have been. I couldn't tell you what they are now.  
 6 I remember there were some names, but, yeah ...  
 7 Q. Were they familiar to you?  
 8 A. No.  
 9 Q. You were a chemical engineer by —  
 10 A. Yeah, but phenolic foam was not one of my — with my  
 11 experience at Dow in polyurethane foam, I knew the raw  
 12 materials for those products, but phenolic was something  
 13 very new to me.  
 14 Q. Right.  
 15 Did you familiarise yourself with the make-up of K15  
 16 as a composite product, so the foil facer, the  
 17 perforations, the scrim, things like that?  
 18 A. No. I didn't do it for any of the range, to be honest,  
 19 including their PIR products.  
 20 Q. Did you familiarise yourself with the product literature  
 21 for K15?  
 22 A. Not immediately, no. I think the first piece of  
 23 literature on K15 that I took note of was the routes to  
 24 compliance document that I remember being sent just  
 25 before it was launched, which I've seen from looking at

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1 documents.  
 2 Q. That was July and August 2015.  
 3 A. 2015, I believe, yes.  
 4 Q. A year or so after you had arrived.  
 5 A. Yes.  
 6 Q. We will come to that. So that's the first time, is it,  
 7 you say you familiarised yourself with K15's product  
 8 literature?  
 9 A. Other than an initial look at all of the — I mean,  
 10 there was a large range of brochures, so I'm sure that  
 11 I'd asked for a couple of binders for both the PIR range  
 12 and the Kooltherm range when I joined, and I think they  
 13 were on my desk for some time, and I would occasionally  
 14 flick through them.  
 15 Q. Did you study them?  
 16 A. I didn't study them, no.  
 17 Q. Did you look at a datasheet for K15 dated March 2011?  
 18 A. No. No, the only time I saw a datasheet — I know from  
 19 reviewing documents that I was asked to sign all of the  
 20 datasheets. I think they were certificates of  
 21 conformity, actually. As the MD, I was asked to sign  
 22 them as the managing director.  
 23 Q. Why were you asked to sign the datasheets?  
 24 A. I think because they'd previously been signed by  
 25 Peter Wilson, and of course he was no longer the

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1 managing director, and so it was my role.  
 2 I don't think they were datasheets. I think they  
 3 were certificates of conformity.  
 4 Q. For whom, for which organisation?  
 5 A. For Kingspan Insulation Limited, for all of their range  
 6 of products.  
 7 Q. Did you sign a certificate of conformity for K15, do you  
 8 remember?  
 9 A. Yeah, I believe we submitted it, I think.  
 10 Q. When did you do that?  
 11 A. I don't remember signing it, if I'm truthful. I know  
 12 it's my signature. I remember — the one thing I do  
 13 remember is there was about 30, and they were presented  
 14 to me, and I sat and did it, I think, before  
 15 a management team meeting.  
 16 Q. Right. Did you actually investigate the text —  
 17 A. No, I didn't.  
 18 Q. — of the marketing literature or the datasheets for  
 19 these products?  
 20 A. No, I didn't.  
 21 Q. So you just signed off on them without reading them?  
 22 A. I did.  
 23 Q. Why is that?  
 24 A. I just saw it as my job. It was my position as the MD  
 25 to sign them, and I trusted that the information would

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1 have been correct.  
 2 Q. You didn't ask members of your team about any of the  
 3 aspects of the —  
 4 A. I can't remember asking them, but it would have been my  
 5 nature to have looked at somebody and said, "I assume  
 6 that I can sign these", but I can't prove to you that  
 7 I said that, but I just know that my nature would have  
 8 been to have said — to have made some remark.  
 9 Q. You say that you didn't know the precise technical  
 10 description of K15 between June 2014 and June 2017. Do  
 11 we take it that it was only after the fire at  
 12 Grenfell Tower in June 2017 that you acquainted yourself  
 13 with the precise details of K15?  
 14 A. I would say that I started to take a much more detailed  
 15 interest in it. I mean, I still wouldn't profess to  
 16 being anywhere near an expert on the product, but  
 17 I obviously was interested to know what it was and how  
 18 it performed.  
 19 Q. Now, you had been working in the insulation industry for  
 20 some ten years or so when you joined Kingspan.  
 21 A. Yeah.  
 22 Q. Can we take it that you had a reasonable knowledge of  
 23 the Building Regulations and guidance about high-rise  
 24 buildings and fire safety?  
 25 A. No, that would be a mistake to make that assumption.

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1 Q. When you joined, were you not familiar with the safety  
 2 requirements under part B of schedule 1 to the  
 3 Building Regulations?  
 4 A. No, I wasn't.  
 5 Q. And so not ADB either?  
 6 A. No.  
 7 Q. Approved Document B.  
 8 A. No, I got to know about ADB really after the tragedy.  
 9 Q. I see, you say "really after the tragedy"; did you ever  
 10 have cause to look at it before?  
 11 A. No.  
 12 Q. What about the UK fire testing regime? Did you become  
 13 familiar with that in any way between June 2014 and  
 14 June 2017?  
 15 A. I mean, I was starting to gain knowledge around BS 8414,  
 16 and that was the area that I, if anything, listened to,  
 17 but I — again, I had some knowledge which really  
 18 gathered momentum sort of through the late part of 2017.  
 19 Q. When did your knowledge about BS 8414 start to be  
 20 gained?  
 21 A. Meaningful knowledge, I would have said it was probably  
 22 during 2015.  
 23 Q. Right.  
 24 A. So, you know, the year after — I mean, I was aware of  
 25 it, and then actually, as Tony Millichap was leaving,

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1 the one thing that he, myself and Adrian had agreed was  
 2 we need to do much more BS 8414 testing, because that  
 3 seems to be the way of providing evidence to people.  
 4 Q. Right. Did Adrian Pargeter sit you down and explain  
 5 what BS 8414 meant and involved?  
 6 A. He explained what it involved. I mean, I've  
 7 subsequently learnt what it is meant to mimic, but  
 8 I didn't learn it at that meeting then, no.  
 9 Q. You say "that meeting"; was there a meeting?  
 10 A. Well, I don't think there was a formal meeting. I think  
 11 probably it was around the time Tony was leaving, and we  
 12 may have not all been in the same room, but I know that  
 13 I had a conversation with Tony, and I remember one of  
 14 the things he was talking about was 8414, and I remember  
 15 talking to Adrian and going, "Well, 8414 seems to be the  
 16 way forward".  
 17 Q. Did you know what it was?  
 18 A. All I knew at that point probably was it was  
 19 a large-scale fire test.  
 20 Q. Did you know it was a system test?  
 21 A. I probably didn't even then know it was a system test,  
 22 no.  
 23 Q. Did you know what the criteria were which told you  
 24 whether you had passed or failed the test?  
 25 A. No, I didn't.

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1 Q. Did you go away and study it?  
 2 A. No.  
 3 Q. Did you ask Adrian Pargeter, "Well, what are the  
 4 criteria?"  
 5 A. No, but I understood that Adrian was familiar with it  
 6 and clearly could speak to it, so I had confidence in  
 7 that.  
 8 Q. Right.  
 9 Were you aware in June 2014, when you arrived, of  
 10 the alternative routes to compliance with Approved  
 11 Document B for external wall constructions on buildings  
 12 over 18 metres?  
 13 A. At what date, sorry?  
 14 Q. As at June 2014.  
 15 A. No, I had no idea.  
 16 Q. Did you become aware after that that there were  
 17 alternative routes to compliance?  
 18 A. I would have become aware around the time of the routes  
 19 to compliance document. That was when I — because  
 20 I know I looked through that and —  
 21 Q. Very well.  
 22 I am assuming that, that being so, you didn't become  
 23 familiar with the BCA Technical Guidance Note 18 from  
 24 June 2014, which established that a further route to  
 25 compliance would be desktop analyses?

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1 A. Yeah, no, I wasn't. I mean, the first time I became  
 2 aware of the BCA document was I think ahead of an NHBC  
 3 meeting.  
 4 Q. Right. That would have been 2015, wouldn't it?  
 5 A. Yes, I believe it was.  
 6 Q. I'm assuming — this must follow from what you have been  
 7 telling us — that you had never and were never involved  
 8 in any fire testing of phenolic foam, either small scale  
 9 or large scale.  
 10 A. No, and it wouldn't have been part of my responsibility  
 11 either.  
 12 Q. Were you aware that a BS 8414—1:2002 test was a system  
 13 test for masonry construction, as opposed to a part 2  
 14 test, 2005, for steel—framed construction?  
 15 A. I am aware now. I wasn't aware when I joined Kingspan.  
 16 Q. When did you then first become aware of that  
 17 distinction?  
 18 A. If I'm honest, I think there was — I realised in 2015  
 19 that there was clearly a part 1 and a part 2. I don't  
 20 think it was until, again, late 2017 where I started to  
 21 understand the difference between masonry and structural  
 22 steel.  
 23 Q. I see.  
 24 Were you aware in June 2014, when you joined, that  
 25 K15 was not a material of limited combustibility?

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1 A. Yes, because I think it was brought to my attention  
 2 probably fairly quickly that Kooltherm wasn't of limited  
 3 combustibility.  
 4 Q. Would you have known as a matter of common knowledge —  
 5 when I say common knowledge, I mean common knowledge in  
 6 your industry — that being a phenolic foam product, K15  
 7 would not and could not be a material of limited  
 8 combustibility?  
 9 A. Not as a matter of common knowledge, no, it would have  
 10 been something I'd have had to specifically know.  
 11 Q. I see.  
 12 When you joined, what was, can you recall,  
 13 Kingspan's strategy for K15?  
 14 A. I don't — I wasn't aware of a specific K15 strategy,  
 15 I was aware of a Kooltherm strategy, and that was just  
 16 covering the whole product range, which is they were  
 17 looking to try and sell that range, which was of higher  
 18 thermal performance, into the marketplace.  
 19 Q. I see. And what was that strategy?  
 20 A. It was a specification strategy, so it was to try and  
 21 get our people, our salespeople, to get the product  
 22 specified by architects into buildings for application.  
 23 Q. In that range, which were the products in that range  
 24 which could or purportedly could be used above  
 25 18 metres? Was it only K15 or were there others?

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1 A. At what date?  
 2 Q. Well, let's start with your arrival.  
 3 A. When I arrived, I mean, I wouldn't have known,  
 4 I wouldn't have discussed it with anybody.  
 5 Q. At what point did you discover what the strategy was for  
 6 the over—18—metre market?  
 7 A. It would have been during 2015, realistically.  
 8 Q. As late as that? So more than six months after you  
 9 arrived?  
 10 A. I can't be sure.  
 11 Q. Were there any discussions in the months between  
 12 June 2014, when you arrived, and, say, early 2015 about  
 13 maintaining or increasing market share for the  
 14 above—18—metre market for insulation?  
 15 (Pause)  
 16 A. I can't remember one specifically about that. I would  
 17 have definitely been involved in conversations about  
 18 growing our Kooltherm share of the market, and by that  
 19 I would therefore assume that K15 would be one of those  
 20 products.  
 21 Q. Were you informed about recent — and I say recent,  
 22 I mean as at June 2014 — or potential challenges to K15  
 23 from the market? For example, new market entrants.  
 24 A. I mean, information was definitely given to me. I mean,  
 25 the first few months I remember being bombarded with

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1 a lot of things from a lot of different departments.  
 2 I can't be sure when I was made aware of other products,  
 3 but I would have certainly in my first 12 months have  
 4 been made aware of competitive products, without  
 5 a doubt.  
 6 Q. I think you say you became aware about the challenges  
 7 for K15 from the NHBC around about the early part of  
 8 2015.  
 9 A. Yeah, I mean, I think there were things brought to my  
 10 attention late 2014, but it was 2015 probably where  
 11 I sat up and thought: there's something I need to get  
 12 involved in here because we're not getting to a result.  
 13 Q. Right.  
 14 Let's go to your second witness statement at  
 15 paragraph 1.8, please, at the bottom of page 2  
 16 {KIN00022662/2}, I just want to ask you a little bit  
 17 about that paragraph, you say:  
 18 "When I started as Managing Director in June 2014,  
 19 the business was structured so that I had 14 Heads of  
 20 Functional Departments who reported directly to me and  
 21 were primarily responsible for their specific  
 22 departments including Marketing, Technical and Technical  
 23 Processing. In May 2015, I amalgamated two of the  
 24 Functional Departments: Technical and Marketing. The  
 25 Heads of Functional Departments reported to me and were

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1 primarily responsible for and involved in the day-to-day  
2 work done in their department. Due to the scope of my  
3 role, usually matters would only be flagged to me by the  
4 Heads of Functional Departments if they were of  
5 particular importance to the business or required my  
6 input."

7 Do you mean by this paragraph, Mr Burnley, that you  
8 merged the technical and marketing departments, while  
9 keeping the technical processing as a distinct  
10 functional department?

11 A. Yes. Technical processing was completely separate.

12 Q. Right. But you merged technical and marketing?

13 A. Yes, and by technical, that is essentially what I would  
14 have called more technical service and technical —  
15 a small amount of technical R&D.

16 Q. I see.

17 What was the reason for your decision to merge  
18 technical, or technical service, as you describe it, and  
19 marketing?

20 A. So we'd had a lot of trouble — so I think I said when  
21 I first joined there were two spaces that weren't  
22 filled: one was the head of operations and one was head  
23 of marketing. We had a lot of difficulty filling the  
24 marketing role, and actually when Tony Millichap left,  
25 because of Adrian Pargeter's background, I thought

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1 actually he was an excellent candidate to really be the  
2 head of technical, and so what we then decided —  
3 I thought it was a good idea to bring the two together,  
4 and then try and bring somebody in underneath Adrian to  
5 lead the marketing team that we could actually grow into  
6 a more senior role.

7 Q. So why not simply just appoint a new head of technical?

8 A. Well, in effect, I did that by amalgamating the two  
9 departments.

10 Q. Why didn't you want to keep them separate?

11 A. Partly because I had far too many people reporting  
12 directly to me. I'd already seen that I was getting so  
13 much information thrown at me, and actually I thought  
14 Adrian was an excellent person for that role, because he  
15 was very pragmatic, and it allowed us to do some —  
16 bring some different levels in to show some progression  
17 for people within both teams.

18 Q. Did you consider, when you made the decision to  
19 amalgamate these roles and give them to Adrian Pargeter,  
20 whether that amalgamation might run the risk that  
21 technical might become subservient to marketing?

22 A. I didn't think there was any way that would happen.  
23 I did have a conversation with Adrian Pargeter about his  
24 time. My biggest concern was he would have the right  
25 amount of time to balance both jobs.

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1 Q. Right. And was part of that concern because he was  
2 doing extramural study?

3 A. Correct, yes, that is correct.

4 Q. Was it the plan, when amalgamating these departments,  
5 that technical should become subservient to marketing?

6 A. No, absolutely not.

7 Q. How could the head of marketing also have the required  
8 skills, ability and resource to head up the technical  
9 department?

10 A. I think, as I've explained, Adrian has a technical  
11 background, and actually the intention was to bring  
12 somebody in, as we did, into the marketing team to lead  
13 that team, but not at the level of the management team,  
14 because we'd had so much difficulty finding somebody at  
15 that level.

16 Q. Right.

17 Now, I think you have answered this question, but  
18 just so I get it right: we know that the amalgamation  
19 coincided with the departure of Tony Millichap as head  
20 of technical. Did he leave because of the amalgamation  
21 or was his departure the catalyst for the amalgamation?

22 A. I mean, what Tony Millichap told me was — I know that  
23 he had thrown his hat in the ring for one of the  
24 divisional roles reporting to Peter, I think there was  
25 a technical director role, and he hadn't got it, and

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1 I think he was disappointed by that. I didn't want to  
2 lose Tony, but he had been offered another job and so,  
3 you know, he left, but he left on good terms.

4 Q. That's not quite an answer to my question.

5 He left, but did he leave because of the  
6 amalgamation, or was his departure the catalyst for the  
7 amalgamation?

8 A. I'm sorry, his departure ultimately led to  
9 the amalgamation. Sorry.

10 Q. Adrian Pargeter was the head of marketing at that time,  
11 wasn't he? And he had only occupied that role for about  
12 six months, namely from November 2014.

13 A. Yeah.

14 Q. Was it you who decided to appoint him as head of the  
15 amalgamated department?

16 A. It was, but in discussions with Peter Wilson.

17 Q. Was there a selection process or was he just a shoe-in?

18 A. There was a selection process for the head of marketing  
19 role, and I think — I mean, I'm not able to check my  
20 emails anymore, but I do think I discussed with HR  
21 whether or not we needed to actually advertise the  
22 amalgamated role, or because it was amalgamated, we  
23 could just appoint. I can't be sure, but I think under  
24 their advice I was able to just appoint him into the  
25 amalgamated role.

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1 Q. We touched on this a moment ago, but what particular  
2 skills did you perceive in Adrian Pargeter that suited  
3 him for this blended role that you had created?  
4 A. Very organised, very methodical, very trustworthy, very  
5 good at managing people, and one of the things we needed  
6 to do in both the marketing team and the technical team  
7 was start to show some progression for people and make  
8 sure that we were developing them.  
9 Q. Were you looking for somebody with enough technical  
10 knowledge and experience to deal with people like the  
11 NHBC and their technical queries from the market, and  
12 also enough marketing nous to know how to do so whilst  
13 advancing K15's commercial interests?  
14 A. I mean, K15 didn't come into the decision. I was  
15 looking for somebody that had the skills to manage two  
16 departments, bearing in mind that we were planning on  
17 elevating people in both departments. It was about  
18 managing a team and being pragmatic about how we did  
19 that.  
20 Q. Yes. Forget K15, then, for the moment.  
21 Did the role you were creating involve somebody with  
22 enough technical knowledge and experience to be able to  
23 deal with the difficulties with the NHBC and matters of  
24 that nature on the one hand, but also enough marketing  
25 nous, instinct, to know how to do so whilst at the same

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1 time advancing Kingspan's commercial interests?  
2 A. I don't believe that that role particularly was focused  
3 on advancing the commercial interests. I needed  
4 somebody that actually understood the technical aspect  
5 of our products, because I didn't, and that actually had  
6 the skills to manage a marketing team. I felt Adrian  
7 was the man.  
8 Q. I mean, the job you created, do you accept this, was  
9 a job which might actually involve walking something of  
10 a tightrope on occasions, a tightrope strung between  
11 technical queries and challenges from the market and  
12 from the NHBC on the one hand, and at the other end  
13 maximising Kingspan's commercial standing and interests?  
14 A. I didn't think it was a tight — I don't know what  
15 phrase you used, but, no, I didn't think that at all.  
16 Q. You wanted somebody — is this right and fair? — who  
17 you saw knew enough about the technical side of things  
18 to be able to use that in support of Kingspan's best  
19 commercial interests and to market the products?  
20 A. I'm sorry, I still don't really understand the question  
21 that you're asking.  
22 Q. What I'm really suggesting to you — perhaps I'll put it  
23 a bit more bluntly — is that you were looking for  
24 somebody who had enough technical information,  
25 experience and know-how to be able to talk his way out

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1 of trouble when posed by a difficult customer?  
2 A. Okay, no, that's not the reason, not what I was looking  
3 for at all. Actually I was looking not for somebody  
4 with enough technical knowledge; I was looking for  
5 somebody with a lot of technical knowledge that actually  
6 could manage the teams who were providing the data that  
7 would of course go to the marketing team, but I was  
8 looking for somebody with a lot of technical knowledge,  
9 and I thought Adrian was that person.  
10 Q. Was Ivor Meredith ever considered for this role?  
11 A. Erm ... no, I don't believe he would have been.  
12 Q. Why is that?  
13 A. Well, there were already some issues over his  
14 performance, and actually he was — you know, he was, at  
15 the time, from what I could see, the person that really  
16 understood fire, and so I think he was well suited to  
17 that role. We were trying to build a team around him  
18 and he wasn't too keen on that, so that was a job in  
19 itself.  
20 Q. What was the problem with him really understanding fire?  
21 A. No, he didn't have a problem. I'm saying he was the  
22 person that understood fire.  
23 Q. Yes, which is why I asked the question: why not promote  
24 Ivor Meredith to the role?  
25 A. Well, he hadn't had any experience, I don't think, of

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1 managing a team of people, and I don't think he had,  
2 from what I felt, the broad breadth of experience that  
3 I would have expected of somebody in that role.  
4 Q. When Adrian Pargeter arrived, did he report to you or  
5 did he report to others, do you remember?  
6 A. When Adrian Pargeter arrived?  
7 Q. When Adrian Pargeter arrived in the blended position you  
8 had created for him.  
9 A. He reported directly to me.  
10 Q. Yes. And how often did he report to you?  
11 A. Again, we would have informal conversations regularly,  
12 but formally once a month.  
13 Q. What about John Garbutt, how often did he report to you?  
14 A. John didn't report to me; John reported to Peter Wilson.  
15 So John was on the divisional management team.  
16 Q. So that was a parallel reporting line, was it?  
17 A. Yeah, there was a bit of a matrix structure, really, is  
18 how I would describe it.  
19 Q. Right.  
20 Now, I want to ask you some questions about the 2005  
21 BS 8414 test, and I appreciate that it was done some  
22 nine years almost exactly before you arrived at  
23 Kingspan.  
24 When you arrived in June 2014, were you made aware  
25 of this test for K15?

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1 A. I mean, I would have been made aware of the test.  
 2 I honestly cannot remember when I was made aware of that  
 3 test.  
 4 Q. In general terms, were you aware, either on or after  
 5 your arrival at Kingspan in June 2014, that Kingspan  
 6 were relying on the 2005 BS 8414 test both in its  
 7 marketing literature and generally?  
 8 A. Well, I definitely know that when I read the routes to  
 9 compliance document, it was one of the tests that was in  
 10 that document.  
 11 Q. Yes.  
 12 A. And what I'm struggling to remember is: did anybody sit  
 13 down and tell me, before I read that document, "This is  
 14 a 2005 test", which I believe was part 1, "and  
 15 here's" — I never had that conversation, so ...  
 16 Q. When you did read the routes to compliance document  
 17 which was sent to you in late July 2015 and was  
 18 published in August of that year, you would have  
 19 realised that K15 was being marketed for buildings over  
 20 18 metres, wouldn't you?  
 21 A. Yes.  
 22 Q. And it was reliant upon that one BS 8414 test in order  
 23 to justify that application.  
 24 A. Well, I think at the time when I read it, I was aware of  
 25 all of the — there were a number of things at the back

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1 of the document that were used as evidence, and I took  
 2 it at that point that that was valid information.  
 3 Q. That's a different question, and I take that point, but  
 4 you would have thought that K15 was being marketed for  
 5 buildings over 18 metres in reliance on one single  
 6 BS 8414 test, namely the one done in 2005?  
 7 A. I'm not sure I know that I can answer that question.  
 8 I know there had been other tests done, and I can't now  
 9 remember from the document if there were other test  
 10 passes that were referred to.  
 11 Q. Right.  
 12 A. I assume that any BS 8414 tests that we'd passed would  
 13 have been in that document.  
 14 Q. Right, and you have answered a question, actually, which  
 15 is a better answer than the question I posed to you.  
 16 Let me try it a different way, because I think I may  
 17 have confused you a little bit.  
 18 When you read the routes to compliance document in  
 19 2015 — and we'll go to it if we need to, and we will  
 20 indeed go to it anyway — did it strike you that, before  
 21 2014, when you arrived, the only test being relied on to  
 22 market K15 over 18 metres was a BS 8414 test?  
 23 A. That didn't occur to me, no.  
 24 Q. You say in your second statement at paragraph 3.3 at  
 25 page 10 {KIN00022662/10}:

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1 "I was made aware that there was a change in the  
 2 manufacturing process of K15 where the process changed  
 3 from 'old technology' to 'new technology'. I have no  
 4 further recollection of this."  
 5 When were you made aware of that change?  
 6 A. I really don't remember.  
 7 Q. How did you become aware of it?  
 8 A. I would describe it as an anecdotal comment that  
 9 I picked up on.  
 10 Q. From whom?  
 11 A. I don't remember.  
 12 Q. Right.  
 13 Were you made aware that only new technology K15 had  
 14 been sold since 2006?  
 15 A. I didn't know the date, but I certainly knew that, from  
 16 the date I joined, we were selling new technology foam.  
 17 So I assumed it went back quite some time, but  
 18 I wouldn't have known the exact year.  
 19 Q. Right.  
 20 When you discovered that there had been a change in  
 21 manufacturing process, did you think to look at the 2005  
 22 test?  
 23 A. I didn't, no.  
 24 Q. Did you think back to your days at SIG before June 2014  
 25 and ask yourself whether SIG had been selling K15 on

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1 a false basis, namely that it was a product which had  
 2 passed a fire safety test when it hadn't?  
 3 A. No, I had no reason to think that.  
 4 Q. Now, the Inquiry's heard evidence from Ivor Meredith and  
 5 has gone through the notes of his appeal hearing that he  
 6 had with you on 3 September 2015.  
 7 Do you agree, from your recollection of that  
 8 process, that you were told of the fact of the change in  
 9 technology from old to new by Ivor Meredith at least by  
 10 then, at that time?  
 11 A. By the time of his appeal?  
 12 Q. Yes.  
 13 A. Yeah, I would have known — I think I knew about it  
 14 during — I mean, I would imagine I picked it up during  
 15 2015, and so before his appeal, yeah. No, I would have  
 16 been aware.  
 17 Q. Yes, I was going to ask you, because you don't appear  
 18 from the notes of the disciplinary appeal hearing to  
 19 display any shock or surprise on hearing that  
 20 Ivor Meredith was telling you about the change in —  
 21 A. Yeah, no, I definitely knew of it before then.  
 22 Q. When you discovered the fact that there had been  
 23 a change from old to new technology, you didn't ask  
 24 yourself whether or not it had been new technology on  
 25 which the 2005 test had been conducted or old

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1 technology?  
 2 A. I didn't think to ask. I think I just assumed that all  
 3 of the tests that were being referred to were on the new  
 4 technology foam.  
 5 Q. Right.  
 6 A. It wasn't until some time later that I realised or was  
 7 told that it was actually a — I think it was after all  
 8 of the work started for the Inquiry.  
 9 Q. Right.  
 10 Now, can we go to page 79 of this statement  
 11 {KIN00022662/79}, please. This is, in the middle of the  
 12 page, question 144, and it is:  
 13 "What tests do you think Mr Meredith asserted that  
 14 Kingspan were unable to repeat? Did you agree with  
 15 him?"  
 16 Your answer is at paragraph 13.80 and 13.81, and you  
 17 say at 13.80:  
 18 "13.80. My understanding is that Ivor was referring  
 19 to the 2005 BS 8414 test.  
 20 "13.81. I understood that Insulation UK were no  
 21 longer able to manufacture old technology K15 foam as  
 22 they did not have the same manufacturing equipment and  
 23 therefore could not repeat the test. On that basis,  
 24 I agree with Ivor that the 2005 BS 8414 test could not  
 25 be repeated. This is still my understanding."

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1 Now, you say, "This is still my understanding".  
 2 Can we look at the notes of the disciplinary hearing  
 3 at {KIN00008681/5}, please. These are the appeal  
 4 hearing notes from 3 September 2015 —  
 5 A. Yeah.  
 6 Q. — conducted by you, Mr Burnley.  
 7 On page 5 there, you can see that Ivor Meredith says  
 8 under the second "IM" entry:  
 9 "IM: Yes I would say that I have been put in  
 10 a situation where I have had to maintain performance  
 11 that perhaps our products don't deserve. I have the  
 12 ability to show that our products can be used in areas  
 13 where you [would] normally require material which would  
 14 be non-combustible; from a critical lifesaver  
 15 perspective. I have performed in a number of tests in  
 16 2005, Kingspan changed the technology of our foam and we  
 17 couldn't repeat those tests. We were outed by  
 18 a consultant who we then had to fabricate a story to  
 19 that the product still said what it did [on] the tin.  
 20 Although I bucked at that point and said to my manager,  
 21 at the time, that we are stretching the truth here and  
 22 what we are going into an area... where we cannot  
 23 support the performance of the product. I wasn't the  
 24 senior person there, we produced documentation and we  
 25 inferred to the industry that our product could do

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1 something that potentially it couldn't."  
 2 Now, it's clear from that, I would suggest to you,  
 3 Mr Burnley, that Mr Meredith is telling you that the  
 4 problem wasn't just due to a change in manufacturing  
 5 equipment, but the change in technology meant that the  
 6 product didn't perform in a fire test as it had before.  
 7 A. But at that time I don't think that I'd realised that  
 8 the 2005 test was on the old foam. I hadn't put the two  
 9 together that we were referring to, I just hadn't made  
 10 that connection, and what I was hearing was a lot of the  
 11 things that were thrown up in his disciplinary  
 12 hearing — and also I must say, at this meeting, whilst  
 13 it's a lot easier to read it some time later, it was —  
 14 he was all over the place. I mean, it was — he was  
 15 very emotional. He didn't make a lot of sense. Of  
 16 course, the punctuation even is added. Some of these  
 17 things he was just saying. It was a difficult meeting.  
 18 Q. Yes. Let's make all allowances for that. Clearly you  
 19 were there and we were not, and we can only go on the  
 20 document. But it's right, isn't it, that at no stage in  
 21 this meeting, this interview, at least according to the  
 22 record of it, do you express any surprise about what  
 23 Mr Meredith is telling you here that I've read out to  
 24 you?  
 25 A. No, and, as I say, I think a lot of what he was saying,

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1 the claims and some of the things he was saying, he had  
 2 already said in the disciplinary hearing, which I had  
 3 read the handwritten notes for.  
 4 Q. Well, one can take a number of different views about  
 5 that, but nonetheless, here it is. Are you telling us  
 6 that nothing he was telling you here in the passage I've  
 7 read out to you came as a surprise to you when he said  
 8 it?  
 9 A. What I remember from the meeting was it was an extremely  
 10 emotionally charged meeting, and he was — as a lot of  
 11 people do when they're in that type of a meeting, he was  
 12 very emotional, and so a lot of things — people do say  
 13 things to grab your attention, and I wasn't — you know,  
 14 there was nothing here that I went, "Well, blimey,  
 15 I need to check that". We were already — I had spoken  
 16 to Adrian. We were already checking a lot of the things  
 17 around Ivor's work as a consequence of his performance.  
 18 Q. Well, let's just break it down then. I've tried the  
 19 general approach, and I hear what you say about that.  
 20 He says, fourth line down:  
 21 "I have performed in a number of tests in 2005,  
 22 Kingspan changed the technology of our foam and we  
 23 couldn't repeat those tests."  
 24 Pausing there, was that something you knew or was  
 25 that news to you?

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1 A. Which piece, sorry?  
 2 Q. The sentence I have just read to you.  
 3 A. Would you mind reading it again?  
 4 Q. Yes, of course. Fourth line. Let's read it together:  
 5 "I have performed in a number of tests in 2005,  
 6 Kingspan changed the technology of our foam and we  
 7 couldn't repeat those tests."  
 8 Now, was that something that you were hearing for  
 9 the first time or was Mr Meredith telling you something  
 10 you already knew?  
 11 A. Well, no, I was aware that we'd changed how we made the  
 12 foam, so I didn't think we could make that foam again,  
 13 so we wouldn't have been able to test it.  
 14 Q. So you knew that there had been a change in technology,  
 15 and when he says, "we couldn't repeat those tests", was  
 16 that news to you?  
 17 A. Again, my reading and from my memory is I thought he was  
 18 referring to the fact we couldn't make that foam  
 19 anymore, so we couldn't have repeated the test with the  
 20 old foam.  
 21 Q. And because you couldn't make that foam anymore, the  
 22 test done in 2005 was a test done on now outdated foam  
 23 which you were no longer selling.  
 24 A. Yeah, and I didn't connect that.  
 25 Q. You didn't connect it? It's quite clear, isn't it,

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1 that's what he's —  
 2 A. No, it is very clear.  
 3 Q. Then he goes on:  
 4 "We were outed by a consultant who we then had to  
 5 fabricate a story to that the product still said what it  
 6 did not [on] the tin."  
 7 Just pausing there, was that news to you?  
 8 A. Erm ...  
 9 (Pause)  
 10 I don't think it was, but I don't think — I don't  
 11 really know what he was referring to.  
 12 Q. We don't have a record here of you asking him. I mean,  
 13 you don't say to him, "Well, Mr Meredith, what are you  
 14 talking about?"  
 15 A. I mean, he was — his answers were very rambling, very  
 16 quick, so to some extent I was taking what he was saying  
 17 with a pinch of salt.  
 18 Q. Well —  
 19 A. This was a man who had admitted to a serious drug  
 20 problem, and was just making a lot of spurious claims,  
 21 and a lot of it I just felt was wrapped up in his  
 22 emotion of, "If I say something, they might keep me".  
 23 Q. Well, help me with this. There are two reasons, aren't  
 24 there, for not reacting: one is this is not a surprise  
 25 to you and you've heard it all before anyway, and he is

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1 not telling you anything new — yes? That's one  
 2 possibility?  
 3 A. Yeah.  
 4 Q. And the other possibility is that you don't believe  
 5 a word of what he is saying. Which was it?  
 6 A. Well, I would have to say that it was probably the  
 7 former, that I must have known about somebody believing  
 8 that there was a story, and somebody must have told me  
 9 that that had been closed, but I can't ... I mean, I'm  
 10 not for a minute saying he was telling lies, but it  
 11 wasn't something I went, "Oh, well, I need to check  
 12 that". But I just can't remember.  
 13 Q. Well, I can understand that, that you can't remember  
 14 exactly, but I'm showing you this record and you say, as  
 15 you said a minute ago, that he was making a lot of  
 16 spurious claims. What spurious claims was he making?  
 17 A. Well, there was a number of things. If you read all of  
 18 the document, it was just he was saying some silly  
 19 things.  
 20 Q. What spurious claims was he making, Mr Burnley?  
 21 A. Well, I'd have to look at — I mean, if we went through  
 22 the document, I could — a number of the things, I just  
 23 think.  
 24 Q. Right.  
 25 A. Well, my belief — based on my belief — I mean, it's

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1 like there, "where we cannot support the performance of  
 2 the product". My understanding was that we could.  
 3 Q. So when he said that it couldn't be, you were either  
 4 surprised by that or you didn't believe a word of what  
 5 he was saying.  
 6 A. I believed — well, my belief at the time was that we  
 7 could.  
 8 Q. So you didn't believe a word of what he was saying?  
 9 A. I was struggling to put a lot of credence behind what he  
 10 was saying, and partly because of the way he was saying  
 11 it.  
 12 Q. What was the basis at the time of your belief that the  
 13 performance of the product could be supported by a test?  
 14 A. Because that was what I was being told by the people  
 15 around me.  
 16 Q. Right.  
 17 When he said, "we then had to fabricate a story to  
 18 that the product still said what it did not [on] the  
 19 tin", did you believe him or had you heard it before?  
 20 A. I don't think I'd heard that before. I mean, there were  
 21 lots of people asking us questions, rightly, about the  
 22 performance of the product, and I generally believed  
 23 that it did because that's what I was being told.  
 24 Q. He says at the end there:  
 25 "I wasn't the senior person there, we produced

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1 documentation and we inferred to the industry that our  
 2 product could do something that potentially it  
 3 couldn't."

4 Had you heard that before, or was that another  
 5 instance where you didn't believe a word of what he was  
 6 saying?

7 A. No, I thought he was making statements because he felt  
 8 he was the only person who really was handling fire at  
 9 the time. We'd tried to put people around him and  
 10 he'd — I think he saw that as a threat, and so I think  
 11 he was making claims for reasons for us to keep him,  
 12 because he would be the only one that could deal with  
 13 fire matters.

14 Q. Well, did you take what he was saying here in this last  
 15 sentence seriously or not?

16 A. The bits that I took seriously were actually things that  
 17 came out of the original disciplinary hearing. I was  
 18 very concerned about how he may be communicating with  
 19 customers and industry bodies, and so I remember Adrian  
 20 and I talked about it and said, "We need to just —  
 21 I want to be sure that what we're telling people is  
 22 correct and accurate", and I know that Adrian went with  
 23 the team and looked at all of that information.

24 Q. Did you institute an investigation internally as to  
 25 precisely what had happened and how it had been allowed

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1 to happen as Mr Meredith was describing it?

2 A. No, I didn't.

3 Q. Why is that?

4 A. Because I think, based on the nature of that meeting,  
 5 which was the appeal hearing, my approach had been  
 6 looking at all that was said in the disciplinary hearing  
 7 minutes, there was a number of things that were repeated  
 8 here, and so I was worried about the accuracy of his  
 9 work and what we would be telling people, and I was  
 10 comfortable that Adrian and the people in the technical  
 11 team would go and investigate that.

12 Q. Well, after this hearing, for that is what it was, did  
 13 you review these notes?

14 A. I reviewed them when they were typed and given to me,  
 15 yes.

16 Q. When was that?

17 A. Within a matter of days.

18 Q. Yes.

19 A. I mean, it wasn't within, you know —

20 Q. No, I can understand that.

21 So you reviewed them, and when you reviewed them,  
 22 did it not occur to you, even though you may have been  
 23 sceptical about Ivor Meredith because of his conduct or  
 24 because of his agenda, as you saw it, nonetheless to  
 25 undertake an investigation internally as to whether

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1 there was even a grain of truth in what he was saying to  
 2 you?

3 A. I didn't. I mean, the person that I spoke to about the  
 4 minutes was the head of HR, who wasn't in the meeting,  
 5 but had also — I think it was Susan Ewart that brought  
 6 me them. I read through them and I said, "Do you think  
 7 there is anything else I need to do?" and Susan said,  
 8 "No, I think that's fine".

9 Q. So you didn't undertake an investigation and only talked  
 10 to HR? Did you even ask Adrian Pargeter whether what  
 11 you had been told by Ivor Meredith at this hearing had  
 12 any basis in reality?

13 A. Well, at this point I was referring again off the  
 14 minutes from the disciplinary hearing, there was overlap  
 15 between things that he was saying, so I was — I knew  
 16 that Adrian was checking his work area, so I was  
 17 comfortable that, if there were issues, it would come  
 18 out of that investigation.

19 Q. Did you ask Mr Pargeter to investigate whether there was  
 20 any truth in what Mr Meredith had told you?

21 A. No, I didn't.

22 Q. Why is that?

23 A. Because I felt that from what we'd already got going on,  
 24 that was going to be enough.

25 Q. What was already going on?

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1 A. So Adrian and the team around that area were looking at  
 2 Ivor's work and the quality of it.

3 Q. Now, you would have known by this point — this is early  
 4 September 2015 — that within the previous six weeks or  
 5 so, you had released to the market your routes to  
 6 compliance document; yes?

7 A. Yes.

8 Q. And that routes to compliance document, among other  
 9 tests, referred to the 2005 BS 8414 test. I can show  
 10 you the routes to compliance document.

11 A. No, no.

12 Q. Take it from me that it did.

13 A. Yeah.

14 Q. Did it not concern you that only six weeks later you're  
 15 being told by Ivor Meredith, who was present at that  
 16 test, as you will have known, telling you that you were  
 17 stretching the truth and couldn't support the  
 18 performance of the product, and that there had been  
 19 a change in technology of the foam and you couldn't  
 20 repeat the tests?

21 A. I didn't link the two. I had — one was a document  
 22 being provided to me by the team, who were in a far  
 23 better place than I was to know whether the content was  
 24 accurate; and then I had a gentleman who sadly had lost  
 25 his way, and in my opinion was doing anything he could

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1 to create some emotion that I would go, "Well, actually  
2 we need to reconsider and keep him employed".  
3 Q. So —  
4 A. I just didn't connect the two things.  
5 Q. You didn't connect the two things. So you didn't  
6 connect the obsolescence of the 2005 test, as  
7 Mr Meredith was telling you, the misleading of the  
8 market in the meantime, on the one hand, with the fact  
9 that Kingspan was still trumpeting the BS 8414 test as  
10 the basis or one of the bases for selling K15 as at  
11 August 2015?  
12 A. I didn't connect them, no.  
13 Q. Can you explain why you didn't make that connection?  
14 A. I can try. I mean, I think the thing — again, I saw  
15 them as two separate matters. So there was an appeal  
16 into somebody who had been — somebody decided to fire,  
17 and then there was a document, and my view was that  
18 there was such a sort of safety net around the technical  
19 group that would have been approving the documents and  
20 the accuracy of the information, I had no doubt to  
21 question the accuracy of that document. And then I had  
22 a very sad situation here on an employee, and  
23 I didn't — I just didn't connect the two.  
24 I mean, the only connection was from the work  
25 that — I was concerned that: is the accuracy of

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1 communication coming out from our fire team proper? Is  
2 it correct?  
3 Q. Looking down the page, at the last—but—one "IM" entry,  
4 he says, after the question about the date:  
5 "What's happened in the last 18 months, longer than  
6 that actually, a lot of those projects that we have sold  
7 into have started to come back and start to question  
8 that performance. I have been under a great deal of  
9 pressure to actually maintain that performance when it  
10 is evident through testing that our product struggles  
11 with that. We have obviously had to... I have been very  
12 busy doing a large amount of testing, there was  
13 technology that could pass, but we were struggling to  
14 get the technology to pass, to justify our lie."  
15 Now, leaving aside the last few words of that entry  
16 there, you did know, because of your involvement, at  
17 least with the NHBC, that what Mr Meredith was saying  
18 here was correct.  
19 A. Yeah, and I remember at this stage I was aware that we  
20 were failing to provide the right evidence to the NHBC.  
21 Forgive me on the dates, I can't remember whether this  
22 is before I think I started to go and meet with the  
23 NHBC. But I was aware of that, and so that was one of  
24 the things we were talking about. I was starting to get  
25 frustrated because the NHBC were clearly getting

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1 frustrated, so I was aware of people questioning the  
2 evidence we were providing.  
3 Q. Yes, and given that Mr Meredith was telling you there  
4 something that you recognised to be exactly correct and  
5 chimed with your own experience, as you had had it, why  
6 would you have dismissed what he had said a few minutes  
7 before that, higher up the page, as the ramblings of  
8 an upset employee with an agenda?  
9 A. Well, on this I was aware, so I was already hearing  
10 that, you know, we had issues with the NHBC, so in my  
11 mind I was linking this to the NHBC and thinking: that's  
12 on my radar, I know we're dealing with that, I'm sure  
13 that's what he is referring to.  
14 Q. Yes, and "to justify our lie", did that not jolt you  
15 into life?  
16 A. I mean, it's — I have to accept that, when you read it  
17 on the paper now, it's something where you just go,  
18 "I can't believe you don't do something about that".  
19 But at the time and the way it was said, it had less  
20 impact than the written word.  
21 Q. Well, all right. Making all allowances for being there,  
22 and I accept that you were there and we were not, and it  
23 may have been an emotional moment and he may have been  
24 in a state, but you are being told, at least in two  
25 places, in the context of something that you recognised

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1 much of, that Kingspan was perpetrating a fraud on the  
2 market. You must have understood that from this.  
3 A. I didn't, because, again, this is one person compared to  
4 a safety net of people around the technical function,  
5 with a lot of history in the business, whose opinions  
6 and knowledge I respected.  
7 Q. But this individual had of course been there in 2005 and  
8 been there at the tests and seen through the period from  
9 2005 to date. Why weren't you prepared to give him any  
10 credence in what he is telling you here?  
11 A. I think, with hindsight, it was a mistake on my part.  
12 I mean, I was probably impacted by the fact that it  
13 wasn't a great meeting. I mean, even getting him to  
14 an appeal — I think there was a week where he was  
15 allowed to appeal, and I actually said to Susan Ewart —  
16 I mean, I was expecting him to appeal. I said, "Has he  
17 not appealed yet?" And I think he went into the HR  
18 department the very day that the period ran out for him  
19 to appeal, and he was asking for a copy of the staff  
20 handbook, and they asked him, "Are you planning on  
21 appealing, because the deadline is 5 o'clock today?",  
22 and I even remember — my recollection is it was  
23 probably already 5.05 or 5.10, and he said, "Oh, yes,  
24 no, I want to", and he actually wrote his appeal letter  
25 on the inside cover of the staff handbook and then

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1 ripped it off and gave it to the HR people, because  
 2 I saw it, I saw the written document, and that,  
 3 sadly ... you know, it's a mistake. You can't help but  
 4 be influenced by people who are reacting like that at  
 5 the time. He wasn't in control of his faculties.  
 6 SIR MARTIN MOORE-BICK: Can you just help me with this: you  
 7 say by way of explanation that you were surrounded by  
 8 other people who seemed to know about the business and  
 9 were able to reassure you that things were actually  
 10 all right; after you had had this interview with  
 11 Mr Meredith and he'd said these things, which at least  
 12 have been recorded as they have in the note, did you go  
 13 back to anyone and say, "Look, he is telling me this,  
 14 that and the other, is there anything in it?"  
 15 A. I can't remember. I mean, I would be amazed if  
 16 I didn't, but in my statement I've tried to give factual  
 17 information. I mean, I would be amazed if I hadn't  
 18 spoken to somebody like Peter Wilson or Phil Heath or  
 19 Chris Guest — I mean, there was a large divisional  
 20 team. I just can't remember, and I can't — I didn't  
 21 feel it was right to refer to conversations that —  
 22 you know, I'd be giving somebody's name and not sure  
 23 that I had done it. But my nature is inquisitive, but  
 24 if I can't honestly remember doing it, I didn't feel  
 25 I could put it down. But I did feel that the security

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1 net, the safety net around our technical know-how was  
 2 secure enough that I could rely on the opinions of  
 3 others.  
 4 SIR MARTIN MOORE-BICK: All right, thank you.  
 5 Yes, Mr Millett.  
 6 MR MILLETT: I'm assuming that it didn't occur to you at the  
 7 time that Philip Heath, and perhaps Adrian Pargeter as  
 8 well, might have had a personal reason not to be  
 9 entirely candid with you about this?  
 10 A. I don't believe that anybody in my time at Kingspan  
 11 definitively told me a lie to cover something up. So  
 12 I don't agree with that statement. I can't.  
 13 Q. Including Mr Meredith?  
 14 A. Well, we're looking at something written down here. The  
 15 meeting was highly charged, emotional, and he was doing  
 16 everything he possibly could to ... I mean, anecdotally,  
 17 he was told that I would hear his appeal, and again  
 18 I can't prove it, but I know that he said, "Oh, well,  
 19 I'm screwed then, because Richard will do it by the  
 20 book", and I did do it by — I felt I was doing it —  
 21 actually, I was concerned about his mental health.  
 22 I made a comment to Susan Ewart straight after the  
 23 meeting. I said, "Whilst I'm upholding the decision,  
 24 I am seriously concerned that in two weeks' time,  
 25 there's, you know, something in the newspaper that

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1 something awful had happened to him". He was in a bad  
 2 way.  
 3 Q. Mr Burnley, I am not standing here asking you questions  
 4 about the due process of Kingspan's disciplinary  
 5 procedures or your role in the disciplinary process  
 6 itself. What I'm seeking to get to the bottom of is,  
 7 having been told what I have shown you on the record  
 8 Ivor Meredith told you, in the places I have shown you  
 9 in the record of that, you then didn't do anything about  
 10 it.  
 11 A. It's with regret that I didn't do more.  
 12 Q. I understand that.  
 13 At the time, let me try it, did you consider  
 14 withdrawing K15 from the market until you had got to the  
 15 bottom of whether it was accompanied by a valid BS 8414  
 16 test?  
 17 A. I didn't, no, but what I do know is that this did  
 18 trigger my interest in K15, and from this point on  
 19 I started to go, "Well, I need to get involved".  
 20 I mean, certainly it did something to me because then  
 21 I was in front of the NHBC, I think, not long after  
 22 this.  
 23 MR MILLETT: Let's turn to a different topic.  
 24 Mr Chairman, that might be an appropriate moment,  
 25 slightly early, for an afternoon break.

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1 SIR MARTIN MOORE-BICK: No, no, if you're going to a new  
 2 topic, I suggest we have our break now.  
 3 Mr Burnley, we do have a break in the morning and in  
 4 the afternoon. It's not usually quite as early as this,  
 5 but I think this is a good time, so we will stop now.  
 6 We'll resume at 3.30, please.  
 7 THE WITNESS: Okay.  
 8 SIR MARTIN MOORE-BICK: I have to ask you not to talk to  
 9 anyone about your evidence or anything to do with while  
 10 you're out of the room.  
 11 THE WITNESS: Of course.  
 12 SIR MARTIN MOORE-BICK: Thank you very much. Would you like  
 13 to go with the usher, please.  
 14 (Pause)  
 15 Thank you. 3.30, then, please. Thank you.  
 16 (3.15 pm)  
 17 (A short break)  
 18 (3.40 pm)  
 19 SIR MARTIN MOORE-BICK: Mr Burnley, I'm sorry we have kept  
 20 you waiting longer than I'd expected. Something cropped  
 21 up which we will have to deal with, but we're ready to  
 22 go on now.  
 23 MR MILLETT: Thank you, Mr Chairman.  
 24 Mr Burnley, I'd like to take you to {KIN00024104},  
 25 please. This is a letter written by Kingspan on

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1 3 October 2020 by Adrian Pargeter to the BRE.  
 2 Of course, I appreciate that you had left Kingspan  
 3 about a year before that, so I well understand that you  
 4 have not seen this letter, and it's addressed to  
 5 Debbie Smith at BRE Watford. He says:  
 6 "We are writing to you with reference to a number of  
 7 BS 8414 test reports and corresponding classification  
 8 reports featuring our product Kooltherm K15 ... which  
 9 Kingspan will formally be withdrawing from circulation.  
 10 "As you may be aware, Kingspan is currently involved  
 11 as a core participant in the Grenfell Tower Public  
 12 Inquiry. As part of our co-operation with requests for  
 13 information from the Inquiry we have undertaken  
 14 a comprehensive review of all past and current test data  
 15 which relates to K15, including BS 8414 tests.  
 16 "Through our review we have now concluded that tests  
 17 carried out in 2005 and 2014 featured product that was  
 18 not sufficiently representative of the product currently  
 19 sold into the market place. We have listed these  
 20 reports and a small summary of their construction  
 21 build ups below."  
 22 Now, were you aware before you left Kingspan in 2019  
 23 of whether any internal review was being undertaken by  
 24 Kingspan on whether the 2005 BS 8414 test could be  
 25 relied on?

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1 A. Yes, I believe I was aware that we were trying to repeat  
 2 the test, I think to see that the standard foam  
 3 performed in the same conditions, would be my  
 4 understanding, I think.  
 5 Q. You say you believe you were aware; were you involved  
 6 with that effort?  
 7 A. No, not directly.  
 8 Q. How were you aware?  
 9 A. I mean, I don't know. I mean, I have in my mind —  
 10 I mean, I have a lot in my mind.  
 11 (Pause)  
 12 With not being able to prepare with my — I'm  
 13 an email person, so with not being able to check all of  
 14 the emails that I would have received, it's hard to  
 15 know ... I just know that there was a very thorough  
 16 investigation taking place of every single test  
 17 certificate, test report, and so I know there was  
 18 an issue around the 2005 test. So I'm sure I was aware  
 19 that there was things going on.  
 20 Q. You say, "I'm an email person, so with not being able to  
 21 check all of the emails that I would have received".  
 22 When you were preparing your statements for the Inquiry,  
 23 were you not shown all of the emails that you received  
 24 in relation to all of the issues being investigated by  
 25 the Inquiry?

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1 A. I was given access to a lot of documents, yes. I can't  
 2 say I was given access to all of my emails, by the way.  
 3 But, I mean, there's only so much I can do, and I've  
 4 done the best I can.  
 5 Q. Right.  
 6 Now, in the three and a half years between  
 7 Ivor Meredith's disciplinary appeal hearing in early  
 8 September 2015, is it right that you did nothing  
 9 yourself to examine or procure the examination of the  
 10 truth of his claims about the 2005 test and simply left  
 11 the K15 test out there on the market trading on the  
 12 basis that the 2005 test applied to the product as sold?  
 13 A. I don't think I did nothing. The — I think the issue  
 14 that you're referring to is the fact I had not connected  
 15 the fact, the reliance on the 2005 test and it not being  
 16 the product that was being sold. What I was focused on  
 17 and what I was doing was trying to drive forward  
 18 a better understanding with people that needed  
 19 information, and that was what I know Adrian Pargeter  
 20 and his team were focused on, was trying to work out:  
 21 well, what tests do we need to do that give people  
 22 information in relation to representative systems?  
 23 Q. At the point you left in 2019, how far had  
 24 an investigation into whether standard K15 being sold in  
 25 the market was the same product as tested in 2005? How

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1 far had it got?  
 2 A. I don't know, I can't remember.  
 3 Q. I want to ask you about 2007/2008 testing.  
 4 At the time you joined Kingspan in June 2014, do you  
 5 agree, first of all, that there had at that date as yet  
 6 been no successful tests undertaken with K15 to  
 7 BS 8414—2, steel-framed systems?  
 8 A. There were some tests done the year I arrived. I can't  
 9 recall if they were a part 2 test or not. I also can't  
 10 recall if they were passes or fails.  
 11 I think that's correct, yes, I think you're right.  
 12 Q. At director level, how was the absence of successful  
 13 testing under that test regime reviewed? How was it  
 14 viewed?  
 15 A. I'm sorry, could you repeat the main part of the  
 16 question?  
 17 Q. Yes.  
 18 Was there any discussion at director level about the  
 19 importance of the fact that you didn't have a pass,  
 20 at BS 8414—2?  
 21 A. I would assume there would be, but it would be with  
 22 people in the functional silo, if you like.  
 23 Q. Were you made aware of the four large-scale fire tests  
 24 that Kingspan had completed in 2007 and 2008 and which  
 25 had failed?

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1 A. Not when I joined. I mean, I think I became aware of  
 2 them again probably around the time that we started the  
 3 work to help the Inquiry.  
 4 Q. Right.  
 5 Can we look at {KIN00008847}, please. This is  
 6 a report written by Ivor Meredith dated 7 January 2008.  
 7 Can we look, please, at page 2 {KIN00008847/2}. This is  
 8 an executive summary. Do you see that?  
 9 A. Yeah.  
 10 Q. It explains the test that was done under BS 8414—2, and  
 11 identifies the project stakeholders, and then the result  
 12 at the bottom of the page:  
 13 "By 17minutes the top fire barrier had breached and  
 14 the raging inferno moved up to the top thermocouples and  
 15 pushed them past 600 degrees thus failing the simple  
 16 criteria of BR 135."  
 17 Did you see this report at any time after your  
 18 arrival at Kingspan in June 2014?  
 19 A. I don't believe I've ever seen this report.  
 20 Q. Did anybody tell you that back in 2007, K15 had been  
 21 subjected to a BS 8414—2 test and a raging inferno had  
 22 resulted?  
 23 A. I don't recall that, no.  
 24 Q. You would have remembered that, wouldn't you?  
 25 A. The words I would remember.

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1 Q. Was it made clear to you when you arrived at Kingspan  
 2 that obtaining a successful pass to BS 8414—2 was  
 3 a priority for Kingspan?  
 4 A. I mean, I would have thought so, yes.  
 5 Q. You say you would have thought so; do you recall?  
 6 A. I don't recall, no.  
 7 Q. Right.  
 8 Now, I want to ask you about the LABC certificate  
 9 for K15. Can we look at your second witness statement,  
 10 please, and go to paragraph 9.4 at the foot of page 39  
 11 {KIN00022662/39}.  
 12 You say there, under your response to Inquiry  
 13 question 52:  
 14 "What did you understand to be the purpose of  
 15 obtaining an LABC System/Type Approval Certificate or  
 16 Registered Details certificate for K15?  
 17 "9.4. I did not know for sure the purpose of  
 18 obtaining an LABC certificate for K15 and I still do not  
 19 know. However, I assume it would be to demonstrate that  
 20 the product was fit for purpose."  
 21 Now, you had been in the building industry or the  
 22 products industry for many years, and you had been at  
 23 SIG for about nine years, 2005 to 2014.  
 24 Was it really the case that you were unaware, and  
 25 are still unaware at the time you wrote this statement,

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1 of the purpose of obtaining a system approval from the  
 2 LABC?  
 3 A. I'd never heard of the reference to an LABC. I mean,  
 4 I've heard of registered details, I know of, but the ...  
 5 when I joined Kingspan, everything was focused on  
 6 BS 8414 testing, and so I — it was not something I was  
 7 familiar with.  
 8 Q. You say you have never heard of the reference to  
 9 an LABC. As at June 2014, had you actually heard of the  
 10 LABC?  
 11 A. Yeah, I knew of the LABC.  
 12 Q. Right. So you were aware of the LABC. Were you really  
 13 not aware of the purpose of obtaining an LABC  
 14 certificate?  
 15 A. I can't say I was, no. I mean, I've never had  
 16 a technical role in the building industry, I've always  
 17 been involved in the commercial side.  
 18 Q. Did you never come across the usefulness of having  
 19 an LABC certificate on the commercial side in order to  
 20 sell products to customers?  
 21 A. The honest answer is no.  
 22 Q. Really? In all the time at SIG, did no customer ever  
 23 ask you for an LABC certificate?  
 24 A. That's why I make comment on the registered details.  
 25 I was aware of registered details, not in any great

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1 knowledge, but I was aware that when I was first at SIG,  
 2 we got involved in acoustic products, and there were —  
 3 ah, they were robust details. So, yeah, I'm not  
 4 a building technician.  
 5 Q. If we go to the bottom of page 41 {KIN00022662/41},  
 6 let's look at question 59. The Inquiry's question 59  
 7 was:  
 8 "Does Kingspan, at any stage, bear any  
 9 responsibility for checking the accuracy of the content  
 10 of an LABC Certificate? If not, why not? If so, please  
 11 set out how this responsibility is met and by whom."  
 12 Your answer there is:  
 13 "I don't think that Insulation UK bears any  
 14 responsibility, however I expect that Insulation UK  
 15 would check the accuracy of the certificates and draw  
 16 any inaccuracies to the attention of the LABC."  
 17 Was that an expectation that you had at the time?  
 18 When I say at the time, I mean throughout your career.  
 19 A. Yeah, I think I've answered in a similar way — there's  
 20 similar questions about other aspects, and I've answered  
 21 the same: I would have thought Insulation UK would check  
 22 the accuracy of —  
 23 Q. What was the basis for that belief?  
 24 A. It was just my belief. It's just what I understood.  
 25 Q. Well, I know, but what's it based on?

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1 A. It's the right thing to do.  
 2 Q. Well, a belief is normally based on some data, some  
 3 empirical foundation; no? Not all beliefs, I accept,  
 4 but a commercial belief or a technical belief must be  
 5 based on something to go on.  
 6 What were you going on in order to have the belief  
 7 that the LABC details were correct?  
 8 A. Well, okay, I think — I mean, I've answered the  
 9 question in the same way that I answered the questions  
 10 about test reports I think earlier in the witness  
 11 statement, where I've just said the same ending, where  
 12 I say, well, I do think that we would — you know,  
 13 Insulation UK would have checked, because it's a logical  
 14 thing to do, that if you're doing testing and you're  
 15 getting a report, you make sure that it's the right  
 16 content.  
 17 Q. Now, let's look at {NHB00000798}, please. This is the  
 18 new registered details certificate issued by the LABC on  
 19 20 August 2014, if you look at the foot of the page. Do  
 20 you see that?  
 21 A. I do.  
 22 Q. So you had been at Kingspan about two months or so as  
 23 managing director.  
 24 Do you remember reading this certificate at the  
 25 time?

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1 A. I don't.  
 2 Q. Well, let's see how we go then.  
 3 Under "Validity", it says:  
 4 "This certificate was first issued on  
 5 28th August 2013 and is valid until 30th November 2014.  
 6 "Issue Dated 20th August 2014."  
 7 Do you know why there was only a three-month period  
 8 of validity?  
 9 A. No, I've no idea.  
 10 Q. Going over to page 3 {NHB00000798/3}, in the middle of  
 11 the page there you will see a heading,  
 12 "AD B Fire Safety", do you see that?  
 13 A. I do.  
 14 Q. It says:  
 15 "Note: From the results, it can be considered as  
 16 a material of limited combustibility and meets the  
 17 criteria for Class 0 classification for spread of flame.  
 18 Since K15 can be considered a material of limited  
 19 combustibility, it is suitable for use in all situations  
 20 shown on Diagram 40 of Approved Document B Volume 2,  
 21 including those parts of a building more than 18m above  
 22 the ground."  
 23 Now, do you have any idea why it was that LABC were  
 24 telling the public that K15 was a material of limited  
 25 combustibility?

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1 A. I don't, and in fact it's now triggered something.  
 2 I remember this from somebody else's evidence, and that  
 3 was the first I'd heard about it.  
 4 Q. When you say, "that was the first I'd heard about it",  
 5 can you just elaborate? When was the first —  
 6 A. I didn't recall knowing anything about the statement  
 7 here of it being a material of limited combustibility,  
 8 or indeed I hadn't seen the certificate.  
 9 Q. Just so I'm clear, are you telling us that it was only  
 10 during the evidence in this Inquiry that you saw the  
 11 certificate and realised that you didn't know about it?  
 12 A. Could you ask that again? I'm sorry.  
 13 Q. I'm trying to understand your evidence. Let's take it  
 14 in stages.  
 15 In August 2014, when this was issued, did you see  
 16 it?  
 17 A. No, I really don't think I did.  
 18 Q. Did you see it at any time after that?  
 19 A. I don't recall seeing it at all.  
 20 Q. So is it right that the first time you saw this and  
 21 focused on what I'm putting to you here was during the  
 22 evidence in this Inquiry?  
 23 A. Yeah. I'm not sure I saw it when the evidence was —  
 24 but I heard it talked about.  
 25 Q. Right.

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1 Do you accept that that certificate was incorrect  
 2 and misleading because K15 cannot be considered  
 3 a material of limited combustibility on any view?  
 4 A. I would agree that's my understanding, yes.  
 5 Q. Can you explain how it was that this certificate was  
 6 allowed out into the public domain on your watch?  
 7 A. No, I can't.  
 8 Q. It's right, isn't it, as I think you would accept, that  
 9 K15 is not suitable for use in all situations as shown  
 10 in diagram 40, is it?  
 11 A. I'm not familiar with diagram 40, I'm afraid, but ...  
 12 Q. Now, Mr Millichap said that this was a stretch. That's  
 13 {Day81/144}.  
 14 Can you explain how you were allowing LABC to  
 15 produce certificates for your product which could only  
 16 be made to be true by, even at its most generous,  
 17 a stretch?  
 18 A. I can't.  
 19 Q. And you can't explain how the errors in this certificate  
 20 came to be there?  
 21 A. No, I can't. As I say, it's the first time I've  
 22 actually seen it.  
 23 Q. You were the managing director at the time of issue; was  
 24 it not your responsibility to ensure that the highest  
 25 standards of probity and technical excellence were being

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1 maintained in the departments for which you were  
 2 responsible?  
 3 A. I would say yes.  
 4 Q. And that you are accountable for these misleading and  
 5 erroneous statements?  
 6 A. I'm not sure that I can be accountable. I was  
 7 two months into the company. I don't understand  
 8 necessarily the technical detail. I'm not technically  
 9 qualified. I mean, I can obviously see it's saying —  
 10 it would certainly make me ask the question, "Why are we  
 11 saying it's limited combustibility?", because my  
 12 understanding was that K15 wasn't under the test that  
 13 they use, so it would have at least made me, had I read  
 14 it, say, "Why is that in there?" But I didn't see it,  
 15 so I don't think I can be held accountable for it.  
 16 Q. How can you account, then, how can you explain, how such  
 17 a fundamental error and such a misleading statement  
 18 could be made to the market without you knowing about  
 19 that?  
 20 A. I don't know.  
 21 Q. 2014 test. I would just like to ask you about that.  
 22 Do you recall that, on 7 July 2014, just after  
 23 a month or so after you joined Kingspan, Kingspan tested  
 24 a product that it called K15 to BS 8414—2 using  
 25 a terracotta tile cladding rainscreen system at the BRE?

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1 A. I mean, yeah, I think I would have been aware that there  
 2 was a test going on. I wouldn't have understood the  
 3 relative importance of part 2.  
 4 I do remember the terracotta tile part, I remember,  
 5 and clearly that became more important to me as my  
 6 knowledge developed.  
 7 Q. Is it right that when that test was passed, what  
 8 purported to be Kingspan K15 had passed for the first  
 9 time since 2005 a large-scale fire test?  
 10 (Pause)  
 11 Let me try again, you're looking puzzled at my —  
 12 A. I'm trying to understand. It was a long question, I'm  
 13 really sorry.  
 14 Q. Well, this was the first time since 2005, wasn't it,  
 15 that Kingspan K15, or what purported to be Kingspan K15,  
 16 had passed a large-scale fire test?  
 17 A. You're asking me at that time when the test was done?  
 18 Q. Yes.  
 19 A. I wouldn't have known. I wouldn't have known. I'd been  
 20 there a month or two.  
 21 Q. Right.  
 22 Let's look at your second witness statement, please,  
 23 page 23 {KIN00022662/23}. You set out question 30a:  
 24 "Who within Kingspan, held overall responsibility  
 25 for planning and arranging testing to BS8414 on systems

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1 incorporating K15?"  
 2 And your answer at the foot of the page was:  
 3 "I think that members of the Technical team would  
 4 have held overall responsibility for planning and  
 5 arranging BS 8414 testing ..."  
 6 Then b:  
 7 "More broadly, who was responsible for Kingspan's  
 8 strategy in relation to tests to BS8414 and for planning  
 9 testing programmes?"  
 10 Then if you turn the page {KIN00022662/24} to  
 11 paragraph 5.27, you say:  
 12 "My understanding is that the Head of Technical (or  
 13 the Head of Technical and Marketing post May 2015) and  
 14 the Technical team would make proposals in respect of  
 15 the strategy in relation to BS 8414 tests and suggest  
 16 plans for the testing programme. These proposals would  
 17 be discussed with members of the Divisional team,  
 18 for example at the Britain and Ireland review meeting.  
 19 I understand that the testing strategy and programme  
 20 would have developed each year descending on the outcome  
 21 of previous tests."  
 22 You then say at 5.31 on page 25 {KIN00022662/25}:  
 23 "My understanding was that the Divisional Managing  
 24 Director, Division Marketing Director and Divisional  
 25 Technical Processing Director had input into the BS 8414

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1 testing strategy and programme and would make decisions  
 2 on strategy and testing programmes in light of the  
 3 proposals put forward by the technical team (as  
 4 described in paragraph 5.27). It would then be the  
 5 responsibility of my team, particularly the Technical  
 6 team, to implement the agreed testing strategy."  
 7 Can you just explain, who held the roles that you  
 8 describe when you began at Kingspan in 2014? Who was  
 9 the divisional managing director?  
 10 A. Peter Wilson.  
 11 Q. And the divisional marketing director?  
 12 A. Was John Garbutt.  
 13 Q. And the divisional technical processing director?  
 14 A. Gwyn Davies.  
 15 Q. That was Gwyn Davies, right.  
 16 So is it right that those gentlemen at divisional  
 17 level would have had knowledge of the testing programmes  
 18 in light of the decisions that were being made on  
 19 strategy?  
 20 A. Yes, they would.  
 21 Q. And can you confirm that those plans for testing once  
 22 you arrived were discussed with you and the divisional  
 23 director, Peter Wilson?  
 24 A. I mean, I would say I was made aware of them.  
 25 I wouldn't say they were discussed with me. I mean,

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1 I wasn't providing any great input.  
 2 Q. Were you briefed about the July 2014 test before it took  
 3 place?  
 4 A. No. I don't believe so.  
 5 Q. Were you briefed after it took place?  
 6 A. I think "briefed" would be a strong word. I was  
 7 probably told that it had — you know, what had  
 8 happened, but I didn't see a report on the test or —  
 9 Q. Right.  
 10 When you say you were probably told what had  
 11 happened, who would have told you that?  
 12 A. I think it's likely that Tony Millichap would.  
 13 Q. I see, Tony Millichap would. Do you remember what he  
 14 told you?  
 15 A. I don't, no.  
 16 Q. Was there a report to you about what had happened at the  
 17 test?  
 18 A. No, I mean, Tony used to write emails, so he may well  
 19 have sent me an email on it, but I wouldn't — I didn't  
 20 see a test. I don't remember seeing a test report for  
 21 sure. And he probably wouldn't have sent it to me  
 22 because he probably would have realised I was likely not  
 23 to read it.  
 24 Q. Did he tell you that the test had been undertaken on  
 25 solstice—blown K15 with a 50—micron facer perforated on

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1 one side only?  
 2 A. Oh, no.  
 3 Q. Did he tell you that, in fact, standard K15 being sold,  
 4 unlike what was tested, had a 25—micron foil and was  
 5 perforated on both sides?  
 6 A. I don't recall. I doubt it, but I don't recall.  
 7 Q. And that it was made with a different blowing agent?  
 8 A. No. I mean, I've heard this in other evidence and I ...  
 9 I don't think it came to my knowledge that it was  
 10 a solstice foam probably again until we'd started doing  
 11 all of the detailed work around the Inquiry.  
 12 Q. Doing the best you can with your recollection, were you  
 13 under the impression at the time, July 2014, that the  
 14 test that had been carried out in that month under  
 15 BS 8414—2 had been done on standard K15 being sold?  
 16 A. I did, yes.  
 17 Q. When did you learn that that was not the case and that  
 18 what had been tested was in fact a research and  
 19 development product?  
 20 A. Again, I can't be sure, but I don't think I became aware  
 21 of that until we probably started doing a lot of  
 22 analysis for information for the Inquiry.  
 23 Q. Right.  
 24 A. But I'm not certain. Even hearing the evidence, I can't  
 25 even — I'm not sure if it's not from hearing the

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1 evidence that I'm now aware. It's difficult.  
 2 Q. Tony Millichap told the Inquiry — and it's {Day82/77:3}  
 3 and following — that it was common knowledge at  
 4 Kingspan at the time that the test was undertaken on  
 5 a trial product that was different from the product  
 6 being sold. He said it was common knowledge; do you  
 7 agree with that?  
 8 A. It may have been common knowledge amongst the technical  
 9 fraternity, but it wasn't my common knowledge.  
 10 Q. I want to ask you now, moving forward in the year 2014  
 11 to November, about an email sent to you by  
 12 Tony Millichap on 12 November that year, {KIN00021810}.  
 13 Now, the subject heading, as you can see on the email,  
 14 is "K15 testing direction", and it's an email sent from  
 15 Ivor Meredith at the top of the page on 14 November to  
 16 Adrian Pargeter, sending on an email that he and you had  
 17 received from Tony Millichap on 12 November, and I want  
 18 to focus on the main email there.  
 19 It refers, as you can see, to a meeting earlier that  
 20 day, and talks about the successful BS 8414—2 test that  
 21 Celotex had recently passed.  
 22 Do you remember that meeting?  
 23 A. No, I don't remember the meeting. I mean, I've seen  
 24 this email before in documents in preparation for this.  
 25 Q. Yes. What was the meeting about, can you recall?

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1 A. No. I mean, I don't think it was a formal meeting. It  
 2 was probably that he would have come into my office and  
 3 we'd have sat down and talked around various things, but  
 4 I don't remember.  
 5 Q. Was that a meeting between you, Mr Meredith and  
 6 Mr Millichap?  
 7 A. I don't know. I can't recall.  
 8 Q. Okay.  
 9 Do you remember having a discussion about Celotex  
 10 and its marketing blurb and it being vague about the  
 11 test construction at the time?  
 12 A. No, I don't. I'm just reading it, because I'm not sure  
 13 whether he was actually — I don't know whether that was  
 14 part of the meaning. I mean, it could be.  
 15 Q. Well, it says in the first sentence:  
 16 "Further to our meeting of earlier today I have set  
 17 out our understanding of the published Celotex RS5000  
 18 result and its current impact."  
 19 A. Yeah.  
 20 Q. "Initially having sourced a copy of Celotex marketing  
 21 blurb we were not surprised of the vagueness surrounding  
 22 the specifics of the test construction, notably around  
 23 provision of firebreaks."  
 24 Do you remember having a discussion along those  
 25 lines before this email about Celotex RS5000?

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1 A. I don't. I don't. But I actually think — my reading  
 2 of that is he has come and told me about a result for  
 3 Celotex RS5000, and I think he's now telling me they've  
 4 sourced some material, some literature.  
 5 Q. Let's look at the fourth paragraph down. We can see  
 6 that Mr Millichap says:  
 7 "We are only aware of one project where the Celotex  
 8 product has been adopted which involved the same supply  
 9 chain as their test programme, we have yet to be asked  
 10 to defend specification against the product, we are  
 11 actively involved in supporting 60+ projects  
 12 specifically on the over 18m issue. Whilst we had to  
 13 financially support the project at First Street,  
 14 Manchester this specification held and we have not lost  
 15 a specification since. Feedback from specialist  
 16 sub contractors, specifiers and consultants all raise  
 17 doubt over the 'Celotex solution'."

18 When he says that they'd been asked to defend  
 19 specification against Celotex, what did he mean, did you  
 20 think?  
 21 A. I'm assuming that means that where there is a project  
 22 where K15 is being specified, nobody had yet contacted  
 23 us saying, "We're thinking of changing the specification  
 24 to the Kooltherm" — sorry, "the Celotex product", is  
 25 how I read that.

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1 Q. When he refers to supporting 60-plus projects  
 2 specifically on the over—18—metre issue, what did he  
 3 mean?  
 4 A. I think he means that they're providing technical  
 5 evidence or support to those projects.  
 6 Q. What was the over—18—metre issue, did you understand?  
 7 Third line down.  
 8 A. I assume it means being able to be used, K15.  
 9 Q. Right. And you say you think he means providing  
 10 technical evidence or support to those projects; what  
 11 technical evidence did you think was being provided by  
 12 Tony Millichap on 60-plus projects, specifically on the  
 13 over—18—metre issue?  
 14 A. Well, I don't think it was specifically Tony, I think he  
 15 is referring to the team.  
 16 Q. All right, the team.  
 17 A. I don't know. I don't think my knowledge of K15 and its  
 18 use was at the level where I would have known what to  
 19 ask, so I would assume that he knew what he was talking  
 20 about and ...  
 21 Q. Well, what did you think he meant?  
 22 A. Well, providing technical evidence that the product can  
 23 be used to support the specification.  
 24 Q. Why was there a doubt about that, did you think, at the  
 25 time, that would justify or require support of that

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1 nature?  
 2 A. I don't know. I don't recall.  
 3 Q. Did you ask?  
 4 A. No. I mean, I — yeah, no, I didn't.  
 5 Q. Why is that?  
 6 A. As I probably didn't read the email closely enough to  
 7 think that there was an issue there.  
 8 Q. Really? This is about the testing direction of K15  
 9 which was, as I understand it — maybe this isn't  
 10 right — one of Kingspan's major products and the only  
 11 product used over 18 metres. Were you not interested to  
 12 read the detail of what Mr Millichap was sending to you?  
 13 A. Well, I was, but I think — so he is referring to  
 14 Celotex — so I was a strong believer in we ought to  
 15 just stick to what we were good at and not really worry  
 16 about what the competition were doing, so I was aware  
 17 that there was a — some questions in the business about  
 18 how Celotex could have passed a test, and so it's quite  
 19 possible that I've read that, seen Celotex mentioned  
 20 a number of times, and my eye would have probably gone  
 21 down to the solstice piece at the bottom and I wouldn't  
 22 have really digested the bit in the middle about  
 23 Celotex.  
 24 This was — I mean, it's 12 November 2014.  
 25 Q. Yes, and you have been there almost six months.

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1 A. Yeah, I know, and I would have been trying to focus on  
 2 the things that I thought were really important, and  
 3 solstice would have drawn my eye because I did have some  
 4 knowledge on the low lambda Kooltherm project.  
 5 Q. Well, let's go to that.  
 6 He says in the next paragraph:  
 7 "In light of the fact we cannot produce K15 100%  
 8 Solstice either commercially or from a production  
 9 perspective I would advocate we test the blended product  
 10 (once lambda and costs are acceptable, I have included  
 11 Malcolm's costs assessment). To revert to testing  
 12 standard NT K15 will not support the strategy we are  
 13 pursuing with ARUPs and NHBC but will signal a backwards  
 14 step with significant consequence."  
 15 What had occurred in relation to the development of  
 16 the K15 product between the July 2014 test on  
 17 solstice—blown K15 and this email in mid—November 2014,  
 18 where solstice—blown K15, you're being told, couldn't be  
 19 produced?  
 20 A. I don't know. I mean, what I do know — so, I mean,  
 21 when I reviewed this first time, this reminded me. So  
 22 I remember we were developing the low lambda Kooltherm  
 23 range, and the business knew that if we were going to  
 24 move K15 to solstice blowing agent technology, then it  
 25 would need to be re—tested, and I didn't — I do —

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1 I have in my mind that I remember saying: well, actually  
 2 we don't have to move all of the products on to low  
 3 lambda technology if we can't make it work, so we could  
 4 move the ones that do — that we have got qualified and  
 5 K15 would have to be later, and there was — I don't  
 6 know why, but the business was saying, "We want to do it  
 7 at the same time", I can't remember why. But  
 8 I remember — because Tony and I were saying, "Actually,  
 9 we just have to leave it. If it's not ready, it's not  
 10 ready".  
 11 Q. So was this the first time you became aware, or were you  
 12 already aware, that the product being tested in  
 13 July 2014 was not Kingspan K15 as sold?  
 14 A. I didn't realise that — at this point I didn't realise  
 15 that the K15 that had been tested in June that year was  
 16 the — I think it was called K115.  
 17 Q. How would you read that paragraph I've just read to you,  
 18 though? "To revert to testing standard NT K15 will not  
 19 support the strategy we are pursuing ... but will signal  
 20 a backwards step with significant consequence"? What  
 21 did you understand by that?  
 22 A. Well, I don't — he is not specifically talking about  
 23 8414 so I would have probably just thought he was  
 24 talking about the lambda, the performance, in terms of  
 25 its thermal performance.

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1 Q. So you don't think that's about fire testing at all, is  
 2 that what you're telling us?  
 3 A. Well, the second part of the sentence, "with ARUPS and  
 4 NHBC", would suggest it is, but I'm not sure I would  
 5 have drawn that connection.  
 6 Q. What was the strategy you were pursuing with the NHBC  
 7 that related to thermal performance as opposed to fire  
 8 performance?  
 9 A. I don't think there was a strategy. My comment on  
 10 thermal performance was around the blowing agent.  
 11 Q. Well, indeed, but he is talking about a bit more than  
 12 that. He is telling you to revert to testing standard  
 13 NT — did you wonder what "NT" meant? Did you ask,  
 14 "What does NT mean?"  
 15 A. I would understand that to mean new technology.  
 16 Q. Yes. So you know, at this stage at least, that there is  
 17 new technology K15. Did you not ask him why testing  
 18 standard new technology K15 would signal a backwards  
 19 step with significant consequence?  
 20 A. I'm sure we would have — because this was around the  
 21 time I was being involved with the NHBC, I'm sure we  
 22 would have had a conversation about that.  
 23 Q. What would be the backwards step with significant  
 24 consequence?  
 25 A. I don't recall.

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1 Q. Is this because Kingspan had recognised there was no  
 2 point testing standard K15 as sold because it would  
 3 fail?  
 4 A. No, absolutely not.  
 5 Q. And you can't recall a time when standard NT K15 was  
 6 regarded as a product that would pass?  
 7 A. My recollection at this time was that actually  
 8 testing — I mean, new technology, it wasn't new, but  
 9 the K15 that we were selling, the whole strategy in my  
 10 mind was we were looking to develop a bank of passed  
 11 8414 tests to assist the NHBC. That was what came out  
 12 of sort of the meetings that I went to. They were  
 13 looking for more evidence, and the way to do that was  
 14 for us to get 8414 tests to show them that it could be  
 15 used.  
 16 Q. Yes. So not small-scale tests, full scale?  
 17 A. Yeah, no, absolutely.  
 18 Q. Then in the next paragraph he says:  
 19 "The above approach assumes we continue to  
 20 acknowledge differences between the tested products  
 21 (both blowing agent and facer thickness have  
 22 significant impact). All testing has been referenced  
 23 back to precise batches with control samples as is  
 24 a requirement of BRE however this does not include  
 25 a description of the physical differences."

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1 Now, pausing there, you realised surely by that  
 2 stage, November 2014, if not at an earlier stage, that  
 3 the blowing agent and facer thickness had significant  
 4 impact on fire performance; yes?  
 5 A. Sorry, could you repeat the question for me?  
 6 Q. Did you realise — I'm putting to you that you must have  
 7 done by this stage, on seeing this email, if not  
 8 earlier — that the blowing agent and the facer  
 9 thickness had significant impact on the fire performance  
 10 of the K15 as a product?  
 11 A. I don't know what time around this, but facer thickness  
 12 I can't pass comment on. I do know that my  
 13 understanding was that we felt we would see  
 14 an improvement from the blowing agent, and then again,  
 15 from hearing evidence, I do remember that we didn't see  
 16 that.  
 17 Q. When he refers to acknowledging the differences between  
 18 the tested products, to whom was he suggesting that  
 19 acknowledgement should be given?  
 20 (Pause)  
 21 A. I'm not sure. I think he is just referring that we  
 22 accept that there are differences.  
 23 Q. Right. And he is referring to differences, isn't he,  
 24 between solstice-blown and new technology K15?  
 25 A. Yes.

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1 Q. No acknowledgement was given to anybody in 2014 of those  
2 differences, was it?  
3 A. Well, no, because we weren't selling solstice-blown  
4 foam. This was a development project.  
5 Q. Exactly. And you knew that by this time.  
6 A. Yeah, that was my understanding, yes.  
7 Q. And therefore —  
8 SIR MARTIN MOORE—BICK: Mr Millett, I'm sorry, I'm going to  
9 have to interrupt you, I'm afraid, because there is  
10 a matter that we need to deal with before we get to the  
11 end of the afternoon.  
12 MR MILLETT: Mr Chairman, yes.  
13 SIR MARTIN MOORE—BICK: An administrative matter has cropped  
14 up which I need to consider and deal with before the end  
15 of the afternoon, so we're going to take a short break  
16 at this point.  
17 I'm sorry to interrupt your evidence. It's annoying  
18 for everybody, but I'm afraid that's the case.  
19 We will sit again at 4.30 and take the matter up  
20 then. All right?  
21 4.30, please.  
22 (4.17 pm)  
23 (A short break)  
24 (4.30 pm)  
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1 Housekeeping  
2 SIR MARTIN MOORE—BICK: All right, Mr Burnley, just wait  
3 there for a moment.  
4 I'm sorry to have to tell everyone that we learned  
5 earlier on today that one of the members of the  
6 Inquiry team has been tested positive for COVID-19, and,  
7 as a result, a number of members of the Inquiry team and  
8 support staff are going to have to go into  
9 self-isolation for a couple of weeks.  
10 Now, in the ordinary way, we might hope to continue  
11 notwithstanding that hiccup, but unfortunately the  
12 reduction in staff numbers, and most importantly the  
13 reduction in support staff, makes that, I'm afraid,  
14 impossible.  
15 We have considered very carefully whether there is  
16 any way in which we could carry on, on some revised  
17 basis, but I'm afraid we've come to the conclusion that  
18 that simply is not possible.  
19 So, regrettably, at this point we're going to have  
20 to close the hearings for the time being. We shall not  
21 be able to sit tomorrow — Mr Burnley, I'll talk to you  
22 about that in a moment — and we shall not be able to  
23 sit next week. So that means that we're going to have  
24 to close down the Inquiry, at least as far as hearings  
25 are concerned, until 11 January, when we shall resume.

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1 It's extremely disappointing. I'm very sorry to  
2 have to give you all this news, but we feel there is  
3 nothing we can do to keep ourselves going in the  
4 interim.  
5 Now, Mr Burnley, what that means as far as you're  
6 concerned, I'm afraid, is that we're going to have to  
7 ask you to come back some time in the New Year. I'm  
8 sure it's very inconvenient, and we will do our best to  
9 make sure that we can find another date which is as  
10 convenient to you as possible when you can come and  
11 finish giving your evidence.  
12 But the other thing I need to say to you is: please  
13 do not talk to anyone about your evidence or anything to  
14 do with it in the intervening period. Now, I quite  
15 understand that may be difficult in some respects, but  
16 you don't work for Kingspan anymore, do you?  
17 THE WITNESS: No, I don't.  
18 SIR MARTIN MOORE—BICK: So you have no need to see  
19 colleagues at Kingspan or former colleagues at Kingspan,  
20 and although I'm sure people will want to ask you about  
21 being at the Inquiry and giving your evidence,  
22 I'm afraid I must ask you, please, to tell them that  
23 you're not allowed to talk about it —  
24 THE WITNESS: Understood, yeah.  
25 SIR MARTIN MOORE—BICK: — until you have finished giving

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1 your evidence in the New Year. Is that all right?  
2 THE WITNESS: Yeah, I fully understand, yeah.  
3 SIR MARTIN MOORE—BICK: I'm sorry to cause you this  
4 inconvenience, but I'm afraid we have no choice.  
5 So, as far as you're concerned, I'm going to let you  
6 go now, and we will be in touch with you as soon as we  
7 can to discuss alternative dates.  
8 THE WITNESS: Okay.  
9 SIR MARTIN MOORE—BICK: Thank you very much for coming  
10 today. We certainly didn't anticipate this would be the  
11 problem.  
12 THE WITNESS: No, I understand. It's difficult times.  
13 SIR MARTIN MOORE—BICK: Thank you for being here today  
14 anyway.  
15 THE WITNESS: Thanks.  
16 SIR MARTIN MOORE—BICK: Thank you.  
17 (The witness withdrew)  
18 SIR MARTIN MOORE—BICK: I think there is nothing else we can  
19 do at this point, and we will resume the hearings at  
20 10 o'clock on 11 January.  
21 Thank you very much.  
22 (4.35 pm)  
23 (The hearing adjourned until 10 am  
24 on Monday, 11 January 2021)  
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