



Northern Ireland  
Assembly

Committee for Culture, Arts and Leisure

# OFFICIAL REPORT (Hansard)

Inquiry into Issues around Emergency Exiting Plans,  
including their Impact on Stadium Capacity, for the  
Redeveloped Casement Park Stadium: Mr Ciarán  
McGurk and Mr Carl Southern

2 July 2015

# NORTHERN IRELAND ASSEMBLY

## Committee for Culture, Arts and Leisure

Inquiry into Issues around Emergency Exiting Plans, including their Impact on Stadium Capacity, for the Redeveloped Casement Park Stadium: Mr Ciarán McGurk and Mr Carl Southern

2 July 2015

**Members present for all or part of the proceedings:**

Mr Nelson McCausland (Chairperson)  
Mr Gordon Dunne (Deputy Chairperson)  
Mr Dominic Bradley  
Mr Leslie Cree  
Mr William Humphrey  
Ms Rosaleen McCorley  
Mr Basil McCrea  
Mr Oliver McMullan  
Mr Cathal Ó hOisín

**Witnesses:**

Mr Ciarán McGurk  
Mr Carl Southern

**The Chairperson (Mr McCausland):** I welcome the following officials to the meeting: Mr Ciarán McGurk, who is the former stadium programme manager, and Mr Carl Southern, who is the former stadium programme architect. I remind witnesses that they are obligated to declare any relevant financial or other interests in relation to today's business. I invite the officials to make an opening statement.

**Mr Ciarán McGurk (Individual):** I will start with my introduction and then hand over to Carl Southern to do his introduction, and then I will pick up the main body of my piece. First, I thank the Committee for Culture, Arts and Leisure for the invitation to attend today's meeting on the Casement Park project. By way of introduction, I will begin by describing the relevant experience and professional qualifications that I currently hold. I am a fellow of the Association of Chartered Certified Accountants, having qualified as an accountant over 20 years ago. I hold a degree in accountancy and a postgraduate diploma in advanced financial accounting. I have undertaken over 20 years of continuing professional development during my time as a qualified accountant relating to financial management, public-sector procurement rules, business case appraisal and public-sector governance structures.

In 2011, I also completed the Office of Government Commerce (OGC)/Cabinet Office Managing Successful Programmes practitioner's certificate course, where I undertook two OGC/Cabinet Office-accredited exams, scoring an average of over 80% across two exams. This certificate is hugely relevant to the stadium programme as it sets out the governance structures and the processes and boundaries to be followed in delivering large capital programmes in the public sector. The framework

for delivery of such programmes is based on the OGC Cabinet Office Achieving Excellence in Construction suite of guidance notes. It is critically important that members understand the purpose of this framework and its requirement for stage boundary approvals, as the adoption of such an approach allows Departments to plan and control major capital projects to a successful conclusion.

During the early stages of the stadium programme, along with many other members of the stadium team, I completed a range of other procurement, governance and technical training courses relevant to the delivery of large capital projects. In addition, contact was made with organisations such as the Olympic Delivery Authority (ODA) to gain advice on best practice delivery of major capital projects. The ODA provided us with a complete suite of best practice governance documentation to assist the stadium team to set up the stadium programme governance structures and the stage boundary processes.

Moving on to relevant experience, I have worked in the delivery of capital projects and programmes for over 20 years, first at Sport NI and then with the Department of Culture, Arts and Leisure and, most recently, with the Strategic Investment Board (SIB). During my employment with Sport NI, DCAL and SIB, I have held a variety of roles around investment appraisal, project management and programme management. This employment has provided me with a series of core development skills in relation to the delivery of capital projects that include the core skills around governance, risk management, technical compliance, business case appraisal and procurement. I left DCAL in December 2014 and am currently employed by SIB, working with the Apprentice Boys of Derry on the siege museum project. I think that there is an error in your notes in that I am described as a Derry City Council employee. I am not; I am actually employed by SIB, working with the Apprentice Boys of Derry on the siege museum project. That is just to clarify that for the record. I am employed in the role of project development manager, working with the Apprentice Boys to deliver this innovative and exciting capital project.

My employment with DCAL commenced in July 2012 after a TUPE transfer from Sport NI, where I continued in my role as stadium programme manager, with responsibility for developing governance structures, management of the stadium finances and budget, developing the funding agreements and establishing initiatives around community and socio-economic benefits. I also had responsibility for securing state aid approval for the programme from the European Commission, which was successfully achieved in 2013.

To go back to the point of community and socio-economic benefits, I wish to commend and highlight the role played by the Department and the three governing bodies of soccer, rugby and GAA in the pursuit of real and tangible community benefits at the stadium venues and within the surrounding areas. Huge efforts have been made to achieve community benefits, job creation, social clause opportunities and the regeneration of deprived areas in places such as the Village, Andersonstown and the Cregagh estate. Partnerships with Belfast City Council and the community and voluntary sector will transform these neighbourhoods in and around the stadium venues. You may be aware of the Olympia project, the Aquinas project at Ravenhill and potentially Andersonstown leisure project as well, at the Andersonstown leisure centre.

The fruits of that labour are yet to be completely fulfilled at Casement Park, but there are no more deserving recipients of such community benefit than the communities in the Village, Andersonstown and areas like the Cregagh estate. I can assure you that, once all three stadia are complete, there will be a significant awe factor around the magnitude of what has been achieved from the stadium programme. You have already seen the finished Ravenhill, which is a world-class, state-of-the-art stadium. Windsor Park is developing in a similar mould, and we hope that, some day, Casement Park will get there as well.

Furthermore, it is important in the midst of an inquiry that is focusing on purely technical matters to recognise the outstanding work that the three governing bodies have done in partnership with the Department and Sport NI in the past number of years in relation to participation and performance programmes. The contribution to developing community relations and tackling social exclusion cannot be highlighted strongly enough. I have the highest respect for people like Cecil Watson, Sir Nigel Hamilton and Shane Logan from rugby; Patrick Nelson and Jim Shaw etc from the IFA; and Danny Murphy and Tom Daly etc from Ulster GAA.

At the outset of my briefing, I also wish to record that a good and personable relationship exists between me, my team, Paul Scott and other Sport NI staff involved in the stadium programme over the past three years. As this inquiry reviews its findings, it is important to note that relations were not adversarial. As someone who grew up in Sport NI, I had excellent working relationships with those

involved in the stadium programme. I owe many of the skills that I have developed over the years to the personal development that I received in Sport NI.

I will now hand over to Carl Southern to provide his own introduction.

**Mr Carl Southern (Individual):** Mr Chairman and Committee members, I welcome the opportunity to attend today to present evidence to the CAL inquiry on the safety and technical matters first raised at this Committee on 30 April 2015. I have volunteered and attend of my own volition, having just arrived from my workplace in England today to address what I consider to be very serious allegations relating to my due diligence and professionalism, both as a previous officer of the Department and — of equal importance to me personally — in my role as a chartered professional. I also wish to support the actions of the regional stadium programme team and the Department during my employment with it, and the considerable professionalism and good governance exercised by the team on behalf of DCAL and prior to TUPE from Sport NI.

I intend to address these points in advance of questions, having listened to and read many misleading references within the evidence presented to date. I will begin by outlining my relevant experience and professional character to ensure that members of the Committee are fully aware of my approach to professional life and to address the unfortunate and throwaway comments around laissez-faire attitudes and suggested dereliction of professional duty.

Following Ciarán McGurk's final statement, I will set the context for the close working relationship with the chair and leader of the STG, Paul Scott, to address grossly misleading comments made regarding the nature of my working relationship, alleged non-attendance at STG meetings and attitude towards the STG's important role within the programme of governance. Finally, I will make clear the meaning and context behind certain misconstrued notes and email statements referred to in evidence to date.

I am a registered UK architect with the Architects Registration Board (ARB) and have been since 1989, and a full chartered member of the Royal Institute of British Architects (RIBA) since 1990. As both regulator of the protected title of "architect" and consumer protection authority, the ARB takes matters of professionalism very seriously, addressing complaints via a professional conduct committee in much the same way as the British Medical Council and the Bar Council. This is particularly relevant and covers 10 areas of compliance including duty of care, due diligence, concern for the welfare of others, and acting in the best interests of the public and society as a whole. As a result, I take these professional responsibilities seriously and have always given due deference to acting in the best interests of my various employers and the wider public in all professional decision-making.

In terms of career and practical experience, I have worked in the UK and Ireland as both a practising architect, with design awards for projects under my leadership including the extension to the Linen Hall library here in Belfast, and a professional/intelligent client and PRINCE2-accredited project manager for many commercial and public sector organisations including British Gas Properties plc, IBM Europe, Procorre FM Consulting Europe, and both the universities here, Queen's University Belfast estates department and Ulster University physical resources directorate, on projects of up to £40 million in capital value. I am also trained as a Cabinet Office gateway reviewer and have input into technical audit on the Belfast public realm projects and the Lyric Theatre.

On an extracurricular basis, for over 10 years I have received separate repeat contracts as advisor to the UK regulatory authority ARB on UK competency standards for architects wishing to join the register, as a prescribed examiner on equivalence testing of non-EU architects wishing to register as UK architects, and as a professional examiner on the RIBA advanced diploma in professional practice in architecture. I also serve as a council member of the Royal Society of Ulster Architects (RSUA). From 2010 to 2011, I was appointed as a half-time senior teaching fellow and head of professional studies at the QUB school of architecture. I continue to manage the preparation of the school's professional examination and advisory support to the final 7th year gateway qualification for architects on the postgrad certificate. All the aforementioned extracurricular roles are assurance roles for national governing and regulatory bodies and provide a clear illustration of my attitude and contribution to, and knowledge and awareness of, good governance and professionalism.

My move into public sector and related accountability began on joining the DCAL arm's-length body Sport NI in 2004 as architect and technical advisor. I was subsequently appointed technical manager by Sport NI, followed by a TUPE to DCAL in August 2012 as programme architect. I am currently appointed by another GB Civil Service Department as an intelligent client, deputy lead manager and principal project manager on publicly funded projects with a combined value of over £100 million within an overall £1.8 billion strategic capital delivery programme.

I will now hand back to Ciarán to deal with the governance and programme management aspects of his statement.

**Mr McGurk:** Thanks, Carl. As stated previously, I commenced employment with DCAL in July 2012 after a TUPE transfer from Sport NI. Within my role in DCAL, I continue to perform the role of stadium programme manager under the direction of the stadium programme director, Noel Molloy, with responsibility for developing governance structures, management of the stadium finances and budget, and developing the funding agreements, which is very relevant to the inquiry, and establishing initiatives around community and socioeconomic benefits. I did not have any direct role in safety technical matters in the stadium programme but, as programme manager, I had an overview of the assurance being provided by all the relevant professionals in the programme at key stage boundary sign-offs. I will very much focus on the process around safety technical compliance and the balances and checks in relation to future sign-offs. I will let Carl deal with the actual detail of the communications with the STG etc.

I hope to achieve four objectives in my statement: to identify the stage boundary processes relating to the stadium programme; to describe how the consideration of safety technical matters was built in at each stage boundary; to identify the approvals achieved to date at each boundary stage; and to describe how, going forward, the DCAL funding agreement and the GAA contract documentation provide robust mitigation and protection measures around safety technical issues, including further assurance around the important issue of emergency exiting. I hope that, at the closure of my statement, you will consider that safety technical issues were never ignored, were always centre stage and, most importantly, are boxed off and conditioned in the full suite of legally binding contractual documentation that exists between the Department, the GAA and the contractor and design team. I am confident that these safeguards and protections will provide Committee members, the STG, GAA spectators and, most importantly, the local community living in and around Casement Park with the necessary assurance that they most deserve: that the Casement Park stadium project is safe. I believe that this inquiry has provided a vital communication platform for all stakeholders and has created the opportunity for clarity on the vital issue of safety at Casement Park.

I will start off by identifying the stage boundary process that governs this programme, which is very much based on Achieving Excellence in Construction. The framework set up at the inception of the stadium programme was based on the OGC/Cabinet Office Achieving Excellence in Construction suite of guidance notes. It is critical that members understand the purpose of the framework and its requirement for stage boundary approvals, as the adoption of such an approach allows Departments to plan and control major capital projects to a successful conclusion. The framework was put in place initially by Sport NI and was novated to DCAL in June 2012. It also represented the agreed framework for delivery of the Windsor Park and Ravenhill projects. Central to the Achieving Excellence in Construction framework is the requirement for projects to undergo a series of boundaries during a project's life cycle. The Casement project had a number of boundaries, including the outline business case (OBC) approval; the development cost letter of offer; the approval of the planning drawings and planning submission; the appointment of the contractor and DCAL funding agreement; the release of the construction notice; the completion of construction; and readiness for operational service. Those boundaries were also mapped across the Windsor project and the Ravenhill project and were referred to last week by Tom Daly and Danny Murphy during the GAA submission.

Put simply, the process is like a long car journey on a motorway. There are seven junctions with traffic lights. At each junction, you are held until a green light is pressed by the appropriate approving authority. The conditions of the grant funding meant that Ulster GAA could not move from one junction or stage boundary to the next without the appropriate sign-off by Sport NI or DCAL. This is very much a process of risk management, with DCAL reviewing and monitoring the management of risk by the three governing bodies and their respective design teams. The analogy of green, amber and red lights is most appropriate as a simplified, visible recognition of the current risk rating for that project.

As to how safety technical matters were built into the stage boundary process, I have already explained the various stage boundary approvals required under the programme. My colleague Carl Southern will no doubt provide more detailed comment on how safety technical matters were reflected at each stage of the stage boundary process, but, effectively, each boundary provided for a safety technical sign-off of some kind. Initially, that would have come from Sport NI, and subsequently from the safety technical group. The purpose of all sign-offs is to consider the stadium's potential to attract safety certification for a 40,000 capacity and subsequently a 38,000 capacity. Again, a green light was required in relation to the safety technical matters to permit the project to move to the next stage.

The first boundary that the Casement Park project went through was boundary one, approval of the OBC, in March 2011. That first significant boundary on the Casement project relates to the approval of the outline business case in March 2011 via an approval letter from DFP to DCAL and a subsequent approval letter from DCAL to Sport NI. Furthermore, a letter was then sent by Sport NI to Ulster GAA confirming the DFP/DCAL approval of the preferred option. The preferred option in the approval letters at that time was for a stadium with a capacity of 40,000. In simple terms, approval of the OBC represents a critical junction in the stadium approval process, and the choice of the preferred option is akin to arriving at a major junction with lots of options or routes to choose from. The preferred option represents your chosen route, with significant consequences if you later decide that it is the wrong route. DFP conditions prevent Departments from deviating from the preferred option. You would have to go back to DFP and get approval if you want to go down a different route.

This idea of arriving at a junction and choosing a preferred option is very relevant to the discussion. If a project later proves to be not feasible and on the verge of becoming a white elephant, it is at OBC stage that any such possibility should have been eliminated. The very blunt question is whether the preferred option is too risky. That decision should be made at OBC stage. Whilst the decision to abort a scheme can always be made at any point, approval of the OBC kick-starts significant spend on a project. You should not proceed beyond OBC stage without the knowledge that, in inverted commas, the project will work. In addition, approval of the OBC provides the authority to spend grant aid on design fees etc. At that stage, the cost can be capitalised and charged against an asset. Therefore, it is a very important junction in that you are now committing public expenditure to a scheme that is the preferred option. All the subsequent spending on planning, drawing and design fees in Casement Park is attributable to the OBC approval.

With regard to the purpose of the OBC, I will refer members to the bundle of documents that was submitted on my behalf and ask them to note the HM Treasury public-sector business case supplementary guidance.

**The Chairperson (Mr McCausland):** Sorry, which one is it?

**Mr McGurk:** It is the one with the OBC tab in your pack.

**The Chairperson (Mr McCausland):** Which page is it on?

**Mr McGurk:** I refer you to the tab that is marked OBC. It is on page 46, marked as chapter 6.

The purpose of the OBC, based on HM Treasury's public-sector business case supplementary guidance, is to establish the preferred option. This guidance, believe it or not, is provided in the form of another green guide. I do not want to confuse members, but you now have a red guide, a green guide and now a green book. This is based on HM Treasury guidance on business case appraisal.

The guidance also describes the preferred option as not providing the right answer but rather the option that:

*"best balances the costs in relation to the benefits and risks."*

Therefore, risk is at the very heart of the decision-making process with regard to the approval of the OBC. On page 48 of the guidance, investment decision-makers are asked to consider a fundamental question in appraising options:

*"Are any of the options clearly too risky?"*

The context for all this, in relation to safety technical issues and emergency exiting for the Casement Park project on a capacity of 40,000, is that the risk relating to safety technical measures would be measured at that time in the preparation of the OBC. Were it deemed to be a huge risk, the 40,000 capacity option should have been ruled out at OBC stage. Approval of the OBC indicates that those charged with the appraisal of the scheme were content that the 40,000 capacity was not too risky. It is likely that safety certificates and safety reports in existence at that time would have very much informed the prevailing assessment of risk in relation to safety technical matters.

I refer members to page 47 of the guidance notes, which state that appraisers should ask:

*"Are any options clearly impractical or unfeasible — for example, the ... land is not available?"*

In the context of the Casement Park project, those appraising the business case would be required to assess whether additional land or houses or whatever were needed to deliver the project. Land purchase was not identified as a requirement in the outline business case. Significantly, as well, the risk section of the business case and the optimism bias budget for the project do not reflect any monetary risk adjustment relating to land purchase. Therefore, the budget that was formed for the Casement Park project at that time is still the budget to this day, and there is no allowance for additional land purchase or purchase of properties.

It is also relevant that, at OBC stage, projects are at the concept drawing stage only. I think that Danny Murphy got that wrong last week when he said that there are no drawings at OBC stage. There are drawings, although they are very much concept stage outline drawings. Therefore, appraisers need to assess the overall infrastructure surrounding a site regardless of the final design, because the final design is not known at this stage. You need to assess the infrastructure surrounding the project in considering whether the project is feasible.

In relation to emergency exiting, the site boundaries and road infrastructure would have been known and deemed not to be too risky to accommodate a 40,000-capacity stadium. The conclusion to the OBC exercise resulted in the approval of the preferred option in March 2011 for a 40,000-capacity stadium, with the only condition precedent required to release funding being the completion of a business plan by the Ulster GAA. No specific DFP, DCAL or Sport NI conditions applied to the GAA in relation to emergency exiting at that time. Carl and I worked in Sport NI at the time, and I am not aware of any conditions in the documentation that was available at the time in relation to emergency exiting. To me, that implied fully that emergency exiting was not an issue and that a 40,000-capacity stadium could be safely evacuated using the existing exits at Owenvarragh, Mooreland and the Andersonstown Road. That was the outcome of the OBC approval in March 2011.

The second boundary that relates to the Casement Park project is the issue of the development costs letter of offer in February 2012. Post the approval of the OBC, the Ulster GAA was required to complete the business plan prior to the release of the development costs funding. During this period, no issues or risks were raised in relation to emergency exiting from any source whatsoever. The approval of the business plan and the preceding OBC approval triggered the release of the development costs letter of offer by Sport NI early in 2012. Approximately £4 million was approved under the development costs letter of offer towards design costs etc relating to the preferred option of constructing a 40,000-capacity stadium at Casement Park. The identification of a preferred option of 40,000 capacity remains intact as a safe, viable and sustainable option at this stage. Again, an opportunity is presented, through this development cost letter of offer, for any issues to be raised around emergency exiting etc.

I was involved in drafting the development cost letter of offer with the programme's legal advisers and senior management of Sport NI. I am not aware of any issues being raised around emergency exiting etc.

The development cost letter of offer presents a strong opportunity to address and mitigate any key project risks. For example, approval of the IFA Linfield lease agreement is a major risk identified within the outline business case risk analysis for the Windsor project, and is cleverly mitigated through a condition precedent on the IFA whereby no funding can be released until assurance is provided that the lease is achievable. In other words, you address your big risk up front, get it out of the way and then move on to release your development cost letter of offer. So, no public funding goes out the door until you have addressed all the main issues and risks. It allows you then, for example, to spend a small amount of money on a feasibility study into emergency exiting. So, you test the scenarios around Casement Park, Owenvarragh, Mooreland and the Andersonstown Road, and that gets it out of the way. Is this option feasible; is this option too risky or not?

Therefore, if emergency exiting was a significant risk at that time, such a risk could be mitigated through a condition precedent-type approach similar to that applied to Windsor. Also, you could have explored feasibility-type studies, which would have been carried out in advance of significant spend on design fees. None of those involved in the programme, including me, Sport NI, DCAL or DFP highlighted that issue, and I do not believe that it was an issue at the time.

Boundary 3 in the programme relates to approval of the planning drawings and planning application in June 2013. By boundary stage 3, the stadium programme had transferred to DCAL, with the achieving excellence in construction framework remaining in place as the agreed framework for

delivery of the programme. The process of delivery remained exactly the same with regard to stage boundary approval —

**Mr B McCrea:** What is the June 2013 stage called?

**Mr McGurk:** Sorry, it is stage 3: approval of planning drawings and the planning application.

**Mr B McCrea:** Thank you.

**Mr McGurk:** The process of delivery remained exactly the same with regard to stage boundary approvals and risk management. My colleague Carl Southern will deal with the detail of the documentation submitted by Ulster GAA to achieve approval of the planning drawings and permission to submit the planning application at that stage 3 boundary.

From a programme manager's perspective, that important boundary approval was carried out in a way that was consistent with the other two projects. Confirmation was required to be provided to the stadium programme director Noel Molloy from the STG. The stadium had the potential to achieve safety certification for a full-capacity 38,000 stadium. At that stage, the capacity has dropped to 38,000 as a result of the planning consultation process.

The required confirmation around STG sign-off was received in June 2013. Once the programme director confirmed to Ulster GAA that the STG was content with the planning drawings, Ulster GAA submitted the planning application on 19 June 2013. Again, emergency exiting would have been considered in the wider consideration of safety technical sign-off, with no red lights going off.

An important point to stress is that it is not DCAL's responsibility to design the stadium. Ulster GAA had appointed expert designers and consultants to design the stadium. That design team was procured as a result of a European OJEU tender process that was fully compliant with NI public procurement policy and overseen by the Central Procurement Directorate.

At all stage boundaries, DCAL had to satisfy itself that the GAA had received the necessary assurance from the procured ICT design team. Effectively, the GAA had to demonstrate that it had received the green light from its design team to allow it to progress to the next stage boundary. This is a critical point. As it is the design team that carries the professional indemnity cover, the risk relating to a project design lies firmly with the appointed ICT design team. Failure to achieve the required safety certification and sign-off for a 38,000 capacity stadium would have major ramifications for the appointed ICT design team. At planning drawing stage, the GAA received full assurance from its design team that the design had the potential to achieve the required safe capacity of 38,000 people.

Boundary 4 was approval of the full business case and appointment of the contractor in December 2013. So, in December 2013, planning approval for the Casement project was granted. In addition, the full business case was approved. Together, those approvals permitted the release of the funding agreement to the GAA and the subsequent appointment of the contractor.

With regard to the approval of the FBC, I refer members to the bundle of documents and ask them to note the HM Treasury public sector business case supplementary guidance, which describes the key purpose of the FBC as being the identification of the market opportunities — so it is about establishing the correct tender and the tender price. It also identifies the contractual arrangements for the programme and the management arrangements. The contractual documents allow DCAL the opportunity to condition the standing risks with a view to mitigating any significant risks that might impact on the project at a later date.

It should be noted that, at FBC stage, appraisers are again asked to review the preferred option choice. This is important. Again, the important question is asked: is the preferred option too risky? That needs to be asked by those appraising the business case. The Department carried out such a review in December 2013 and determined that a preferred option of 38,000 was feasible. Most importantly, the Department has conditioned the outstanding risk relating to safety certification in the funding agreement to ensure that a stadium with a safe capacity of 38,000 has to be achieved. I will deal with those important safeguards later in my statement.

In addition, at FBC approval stage, the Department provided for a monetary risk adjustment in the optimism bias (OB) allowance to reflect the contractor's need. At that stage, the procurement passes



to the contractor, so it was to reflect the contractor's need to close out the stadium design and any outstanding safety technical matters.

**Mr B McCrea:** Are we at stage 4 or 5?

**Mr McGurk:** We are still at stage 4.

For commercial reasons, I am not able to disclose the detail of such allowances, but provision is made in the FBC in relation to closing out any outstanding safety technical matters.

**Mr B McCrea:** What does "closing out" mean?

**The Chairperson (Mr McCausland):** Basil, if people are making interventions, they should do so through the Chair.

**Mr B McCrea:** Sorry, Chair.

**The Chairperson (Mr McCausland):** We will come back at the end to clarify —

**Mr B McCrea:** It was just a point of definition. Terms were used, but I did not know what they meant.

**The Chairperson (Mr McCausland):** I appreciate that. If you would deal with the point, Ciarán, we will then move on.

**Mr McGurk:** That is fine.

Post-December 2013, the Department funding agreement conditions prevented the GAA from authorising the release of the construction notice. Effectively, construction cannot commence until a 90-day judicial review Alcatel period has expired. By late March or early April 2014, leave for a judicial review was applied for and was later approved by the courts, which, effectively, stalled the start of construction at Casement Park and has prevented the release of any funding to this day under the FBC approval and the funding agreement mechanism. I repeat the point that, under the OBC approval, funding has been released for design fees, and that, under the FBC approval and the funding agreement process, no money has yet been released in relation to the Casement Park project.

I will now deal with the further stage boundary approvals that have yet to be achieved in relation to the Casement Park project. Due to the court's decision to annul the Casement Park planning approval, we are now back at stages 3 and 4, where you have to rerun the planning process and potentially reassess the FBC etc before you get to the subsequent boundaries.

The boundaries I have not touched on yet are boundaries 5, 6 and 7. It should be highlighted that no further stage boundary approvals have been achieved since December 2013 due to the judicial review process against the planning approval for Casement Park. Post-December 2013, progress on work related to closing out the safety management arrangements for Casement has been severely constrained by the fact that live planning approval was being challenged by way of a judicial review. The contractor was now responsible for closing out the final design of the stadium. Whilst discussions continued with the contractor during 2014, detailed refinement of the technical designs and safety management plans could not be progressed in detail in an environment where the courts may have looked unfavourably at changes to the project that might impact on the live planning approval.

I will now move on to a description of the future protections around safety and sign-offs by the STG in relation to the Casement project. A critical point for the inquiry to consider is the future protections offered by the DCAL-GAA funding agreement and other contractual mechanisms that ensure that the safety and emergency evacuation risks at Casement Park cannot be understated, downplayed or ignored. To be fair to those in the STG and Sport NI, they may not be aware of those safeguards and protections, and those within the organisations and structures should be given an opportunity to reconsider their input to this inquiry in the context of the further safeguards that I am about to explain to you. These are very commercially sensitive documents, and the STG and Sport NI may not be aware of what is going on here. I am going to describe the process in relation to those documents. I will not go into the detail, but I will describe that there are further protections in relation to safety and sign-off by the STG.

First, members should note that there are three further opportunities for the STG to provide input to the safety technical review of Casement Park, prior to the stadium being completed. The first sign-off will be at planning-drawing/planning-submission boundary stage. So, a new planning application will have to be submitted for Casement Park. Once again, the STG will have to provide input and comment, and the Department will have to sign off on the approval of the drawings at that stage, based on the STG comment.

Secondly, the STG will have input at pre-construction stage. If the contractor gets to the point where planning is approved and is about to start work, he cannot commence construction until there is a further STG sign-off on the drawings. Therefore, the stadium has to be safe and the contractor cannot start work until he demonstrates to the STG and the Department that this stadium is safe. That is described as "condition precedent". In other words, the contractor cannot draw down a penny for Casement Park until he provides confirmation to the STG —

**The Chairperson (Mr McCausland):** Can I just ask that, out of respect for the witnesses, we hold back other conversations.

**Mr McMullan:** Apologies.

**Mr McGurk:** I will repeat that point. The contractor cannot draw down a penny in relation to the Casement construction until he provides evidence to the STG and the Department that the stadium is safe and can achieve a full 38,000 capacity, or whatever the relevant capacity is following submission of the new planning application. It is described in legal terms as the "condition precedent". I spent many long hours locked in a room with the three governing bodies, and Arthur Cox solicitors who were robust in representing the Department in relation to the legal agreements that were drawn up under the programme. So, at pre-construction stage, no money can go to the contractor unless there is a sign-off from the STG in relation to safety at Casement Park.

Furthermore, at the completion of construction stage, the contractor must again provide evidence to the STG and DCAL that safety has been considered and has been approved by those two bodies at that stage. Again, the contractor is carrying the risk. I will not disclose the tender price for the Casement project, but there are somewhere in the region of 55 million to 70 million reasons why the contractor will want to get it right. He faces the potential clawback of award if he does not prove to the STG and DCAL that the stadium is safe and can accommodate a 38,000 capacity.

Therefore, rather than safety technical issues being regarded as a done deal, the sign-off by the STG on those issues requires three further iterations and approvals. All of the sign-offs are covered in the legally binding funding agreement, signed between the Department and the GAA. At one stage, two of the governing bodies were ready to walk away from the stadium programme due to the draconian nature of the funding agreements offered to them on the stadia. The Department held its nerve and said, "Take it or leave it".

In addition, the binding NEC3 contractual mechanisms between the GAA and the contractor require the contractor to deliver a stadium that can achieve a full capacity of 38,000, in compliance with the Safety at Sports Grounds (Northern Ireland) Order 2006, and must be future-proofed to meet the standards set out in the green guide. I am reading directly from a condition in the funding agreement for all three sports:

*"This condition will apply to a full capacity regardless of whether the revised planning application gains approval for a capacity of higher or lower than the 38,000 figure".*

That is why Noel Molloy made the comment last week that the new stadium would have a safety certificate for the full capacity. Under the contract, the stadium cannot be built without that safeguard in place. In other words, the contractor cannot sign off the stadium and get his money unless the Department and the STG have signed off on safety at the stadium. He faces two scenarios: one, that he does not get any money at the start of the project if he has not signed off; or, alternatively, if he ploughs through and gets the first sign-off, but decides to ignore it at a later date and change the stadium design prior to completion of construction, he will not receive the £55 million to £70 million he is due under the contract. That is the figure quoted in, I think, the tender documentation, so it is public information.

Members should also note that, under the funding agreement, Ulster GAA is required to ensure that an appropriate safety certificate is in place in relation to the Casement project at all times during the

25-year funding agreement. That stretches another 25 years beyond the completion of construction. The GAA must not commit an offence under the Safety of Sports Grounds (NI) Order 2006 or any other relevant legislation as it applies from time to time during that 25-year funding period. So, if the licensing process is changed by you guys in Government, the GAA must comply with that new system. Otherwise, it can be deemed to be a breach of the agreement and could result in clawback of the DCAL funding. Once again, the GAA now has 55 to 70 million reasons why it does not want to ignore safety at Casement Park.

On that issue, I would like to offer reassurance to the people who are probably most important to the project: those living in and around west Belfast and around the stadium site. I will state that there are a number of critical safeguards in relation to protecting residents and spectators attending fixtures at the new Casement Park: first, there is the requirement for three further sign-offs by the STG prior to the completion of construction — and I just explained that process; secondly, there is the requirement for an appropriate safety certificate at all times during the 25-year funding period — and again, I have just described that process; finally, there is the robust licensing system, which you will have been briefed on by Belfast City Council this morning and which means that a sports ground can never receive a certificate for a capacity that is not safe.

In that regard, I refer you to the bundle and the judgement on the Casement Park planning approval. Judge Horner confirms that there is sure knowledge that all sports grounds require a safety certificate to operate. Therefore, I hope that the above processes and contractual arrangements reassure all stakeholders that Casement cannot be anything but safe. That includes important reassurance to one of the members who lives in west Belfast near the Casement site. I think it was you, Ms McCorley. I hope that you take full reassurance from the funding mechanism and the contractual documents that I have just described that Casement cannot be anything other than safe. The only way that it can be unsafe is if there is a fundamental breach of the obligations on Belfast City Council and those who operate the licensing system.

In conclusion, I ask members, in reaching your conclusion on the issue of emergency exiting at Casement Park, to discard the thousands of pages of emailed documents and minutes of meetings that you have received, sit back and consider for one moment the fundamental boundaries that the Casement project has already gone through. In my view, based on the factual evidence available, safety technical issues have been centre stage at all stage boundaries, with the appropriate sign-offs received from the STG and, most importantly, the ICT design team.

The GAA has employed a world-renowned team of architects and consultants in relation to the Casement Park project. Mott MacDonald is the lead ICT team. Mott MacDonald actually wrote the criteria in relation to the business case and the HM Treasury guidance around optimism bias and risk in relation to capital projects. They are high-flyers. I have full confidence, and I am sure that my colleague Carl Southern has full confidence, in that design team to achieve the full safety accreditation. Furthermore, the suite of contractual documentation and funding agreements does not allow anything other than a safe Casement Park to be achieved.

Equally importantly, going forward, there are fundamental safeguards in place, as I described earlier, around further sign-offs by the STG, the 25-year funding agreement condition in relation to safety and the robust licensing system in place, referred to by Judge Horner, which collectively ensure that Casement will be safe and will achieve safety certification for its maximum capacity. Any notion of a preconceived strategy to ignore safety has to be viewed in light of those further sign-offs. Such a strategy would be totally idiotic, bearing in mind that the same STG sign-offs are required at later stage boundaries. So, if there was any plan to ignore safety here, you are basically going through the same process three times more with the same people. If one gets the better of them in stage 3 or stage 4, the same guys are lying in wait at stages 5, 6 and 7; so, that cannot happen. There can never be an issue whereby safety is ignored at Casement Park.

I hope that my statement sheds new light on all the issues around safety certification and provides the STG, Sport NI and others with a further opportunity to come back to the inquiry and review their comments in light of what may have been, up to now, unknown safeguards in relation to the sign-off on this very important issue. There may be people out there who are not aware of the complete suite of contractual documentation, funding agreements, NEC3 contracts, etc, that are in place with the GAA, the contractor and the design team. My hope is that those in the STG and Sport NI may be able to reconsider their comments in light of those very important documents.

I thank the Committee for its time. That ends my statement.

**Mr Southern:** Mr Chairman, before I begin, I would like the Committee to know that I only became aware of the serious allegations raised within this inquiry following your session of 4 June. I have been off this project for a year and have been working on other complex projects in England. In the interim, and at short notice, I have reassembled my memories of work and events, gathering available evidence in support of the facts I will present to you today. Hopefully, this will give you assurance from a technical perspective. I will start with my origins in Sport NI and the relationship to the Sport NI overseeing body.

I joined the participation and facilities division of Sport NI in 2004. Initially, I was appointed as architect and technical adviser, working with Paul Scott in the facilities team. A year later, my role was as architect and technical manager of a small, separate technical advisory unit under the direct management of director Nick Harkness. Paul Scott continued as facilities manager and as head of the overseeing body on behalf of DCAL in the context of safety at sports grounds. He was also under the direct management of Nick Harkness. The two units were intrinsically linked in their outputs and, over a period of eight years of close working within Sport NI, it is fairly safe to say that both parties knew me, and the quality of my work and attitude to quality, well, but we performed a separate role.

From 2004 to 2012, prior to non-negotiable TUPE into DCAL, I led technical, design and procurement-related assurance on all Executive and lottery-based capital funding programme input in conjunction, in the main, with Ciarán, with the exception — and this is the significant thing — of the feasibility and options appraisal connected with the OBC technical review. At that time — 2004-2012 — I and my team were the only professionally qualified technical design professionals in Sport NI.

In 2009, an oversight group was established to provide input into the development and endorsement of the OBC for the three stadiums selected following the collapse of the Maze project. That is a significant point, as all technical and risk assurance was performed solely by Paul Scott in that context, at the request of the then Sport NI CEO. That technical input —

**The Chairperson (Mr McCausland):** Sorry, who was that?

**Mr Southern:** Eamonn McCartan.

That technical input informed the subsequent recommendation to the then deputy permanent secretary and, consequently, the Minister. The oversight group under Paul Scott's technical leadership had the opportunity to comment on all aspects of safety at sports grounds, including emergency exiting, during the due diligence technical review of the OBC. A significant aspect of the technical endorsement of the OBC by Paul Scott, on behalf of Sport NI, is the fact that:

*"no red flags or risks relating to any issues around emergency exiting were ever raised at that time".*

**The Chairperson (Mr McCausland):** Who are you quoting?

**Mr Southern:** I am quoting the red flags that have been quoted within this Committee.

**The Chairperson (Mr McCausland):** It is a generic quote.

**Mr Southern:** Yes; there were no red flags.

**The Chairperson (Mr McCausland):** I understand.

**Mr McMullan:** On what date was all of this?

**Mr Southern:** It was round the time of the preparation of the OBC, before final submission. I cannot remember exactly. It was early 2009.

**Mr McMullan:** Who was the Minister?

**The Chairperson (Mr McCausland):** We do not ask questions now. We ask questions at the end. I have already said that to Basil. You will get your chance later, Oliver.

**Mr Southern:** Ciarán has explained that the OBC is a key risk assessment boundary. If there had been any perceived risk at that early and significant project stage boundary in 2009, the preferred option should have necessarily reflected and included all appropriate risk measures to inform the business case and subsequent investment decision-making. There is no mention at all of risk relating to emergency evacuation within the OBC risk register. Additionally, the OBC was informed by the multi-agency review of April 2009 that further informed the safety certificate revisions in 2010. That was in the context of the existing ground and a current safety certificate for circa 31,000 — there was a slight adjustment from 32,000 down to approximately 31,500 at that time. That was endorsed by Belfast City Council and the Sport NI overseeing body. So the two things — the existing stadium capacity at Casement and the approval of the OBC — coexist.

That report advocated the use of all existing exits, without reference to a requirement for additional exits, and was endorsed by the PSNI as part of the multi-agency approach. The report, and the particular contextual and fixed constraints at Casement Park, were well known to Paul Scott and Sport NI at the time of his technical assurance of the OBC in 2009. Indeed, there was a further post-OBC due diligence review of the outline designs, which Ciarán referred to when referencing Danny Murphy. They were very outline, but there were three outline designs for all three projects. Ravenhill was further on, because it more or less had its planning approval.

The feasibility options study, prepared by Gilroy McMahon architects on behalf of the Ulster Council of the GAA, was undertaken by my team in conjunction with Paul Scott in Sport NI in early 2011. I cannot remember exactly when the programme started to be mobilised in Sport NI, but it was early 2011. Again, there was no mention of site restrictions and emergency exiting by him relating to Casement Park at that time.

The footprint of the outline feasibility study for a larger capacity 40,000-seat stadium had the same limitations around space for zone 4 and zone 5: all entrancing and exiting was from the Andersonstown Road, and the emergency exits were those that existed onto Owenvarragh Park and Mooreland Park. Again, no risk concerns were red-flagged, and there was certainly no suggestion that the Andersonstown Road should be subsequently completely discounted for emergency exit purposes, as arose. Consequently, further project development has proceeded, rightly, on the basis that entrancing and exiting and emergency exiting would be developed, safe in the knowledge that no pre-existing risks prevailed that would fundamentally impact on design assumptions.

I will now deal with allegations and hearsay that I was too busy to attend STG meetings and engage on a regular basis with Mr Scott. Notwithstanding those misleading allegations, I had what I believed to be a fairly close professional working relationship and friendship with Paul Scott, both inside and outside Sport NI. That is evidenced by our collaborative professional working relationship in Sport NI over eight years and extracurricular technical input to a lot of his private safety work outside Sport NI. As a result, I do not understand what he feels he has to gain from the allegations he has made within his bullying and harassment action, although I recognise that that is a different process.

**The Chairperson (Mr McCausland):** We cannot touch on that.

**Mr Southern:** You can appreciate that it has come as a bit of a surprise.

In the context of Sport NI, Paul and his team engaged with my team and consulted on all sports-related technical matters, particularly those related to safety at sports grounds and the various programmes supported by Sport NI, including the stadia safety programme. That programme provided funding and technical input to over £20 million of investment in football, Gaelic games and rugby infrastructure across Northern Ireland.

In 2005-06, Paul and I collaborated with a team of three others on behalf of DCAL on the co-authorship and development of policy guidance and the first edition of 'The Northern Ireland Guide to Safety at Sports Grounds' in 2007, which is colloquially known as the red guide. The name "red guide" was initially coined by me in reference to the green guide and the fact that the English building regulations are green; hence the related association of the NI guide to the NI building regulations, which are red — small and insignificant, but now local parlance.

In that working context, when Sport NI selected me and my colleagues as dedicated members of the original stadium programme team in early 2011, there was an established strong working relationship and professional understanding between Paul Scott and me. The STG grew from that, and it was during this period that the three specialist working groups were established by me, on behalf of the programme, with Paul as chair and lead, in an early iteration of what became the STG. The chief

executive of Disability Sport Northern Ireland was elected as chair and lead of the subsequently named inclusive stadia advisory group (ISAG), and a planning working group, initially in conjunction with the DOE, led to the subsequent establishment of a formal planning application discussion process chaired by the head of the strategic planning division. It is incorrect to state that the STG was formed in 2012 at the request of Noel Molloy. That was not the case, as it pre-existed under a previous Sport NI terms of reference. From early 2011, it was based on the ongoing working relationship, but it was there at the inception of the programme. What is correct is the fact that the constitution of the STG was made project-specific in 2012 to ensure that the respective ground safety officers and area blue-light services were represented, because they differ across the three boundaries of the individual projects. Other members of the STG remained the same, with Paul Scott as chair.

Of significance is the fact that the STG was established prior to novation of our team into DCAL and in the context of a joint professional understanding and close working relationship in close proximity and substantively for the same organisation, Sport Northern Ireland.

The establishment of the three subject matter expert working groups was twofold: first, it aimed to ensure that appropriate knowledge, good governance and risk management would be reflected in all technical decision-making to achieve clear requirements and establish stage boundaries; and, secondly, to significantly raise the bar on quality standards, thereby achieving maximum value for money from the public investment and ensuring that the final design and realisation of the projects were seen as exemplars of their type. The Committee should note that that is evidenced by the move from the current red guide to the more onerous revised green guide fifth edition in the development of inclusive design guidelines that provide for a step change in the quality and provision of accessible, comfortable viewing accommodation for disabled users, families and senior citizens. In certain areas, those provisions currently exceed best practice in GB.

In addition, the ministerial advisory group for architecture and the built environment provided written endorsement of the exceptional level of engagement on Windsor Park and Casement Park during design development to planning submission, and the projects were used as a pilot for DOE planning's future community consultation and engagement policy process. That provides a clear illustration of the approach taken to quality, safety and comfort by our team on behalf of the Department.

Following the decision to move the programme into the Department, the chair of the STG, Paul Scott, and I continued to engage frequently by telephone, email and face-to-face meetings, as evidenced by the email trail submitted to the Committee to date. The protocol for engagement with DCAL, the GAA and the ICT is further evidenced by Paul Scott in both STG technical reports for Ravenhill park and Windsor Park dated January 2013, where it states — these are the documents that you have been given. You have the reports on the national football stadium, Windsor Park, and the one on Ravenhill rugby football ground. If you go to page three, the second paragraph, you will see, "Sport NI receives" — this is effectively him confirming —

**The Chairperson (Mr McCausland):** What page?

**Mr Southern:** Page 3, second paragraph. This is written by the STG and confirms the process that we —

From the front page, it is the third page — one, two, three — second paragraph:

*"Sport NI receives drawings and proposals regarding the project from DCAL/the project architects"*

— it should say via the GAA —

*"and circulates them to members of the Group."*

In this case, the STG.

*"A meeting is then convened [by that group] and comments received are conveyed to DCAL. A meeting involving Sport NI, DCAL and the architect [via the GAA] is then convened and revised drawings and proposals are then forwarded to Sport NI for comment, and the process continues."*

So it is an iterative process as the design develops.

As a result, a combination of our previous history and strong working relationship within Sport NI and a clear mandate for the STG to act as an advisory group to DCAL in support of achieving an exemplar compliant stadium was well established and continued throughout the programme, up to my resignation from DCAL in July 2014.

At the point of transfer to DCAL, given that I was now working for the sponsor Department rather than the ALB, there was a need to remove any conflict of interest from my direct input to the STG. We reserved the right to attend as an observer, if required. Similarly, the same terms of reference applied to the Department's working relationship with the inclusive stadia advisory group, chaired by DSNI, and we attended as observers — both Paul Scott and me. Neither Paul nor I attended all ISAG meetings, and the same roles applied to the STG in my case.

It is particularly important for the Committee to understand the dynamic nature of design development on the programme, and the speed of response and input from the stakeholders — the four-party key stakeholder interaction — in all three projects. In this case, it was between the Ulster Council of the GAA, its design team, DCAL and the STG, and was continuous and reciprocated, depending on the task in hand, as evidenced by the email paper trail. We were working hard, and we processed things quickly and worked iteratively as a four-way conversation all the time.

As a result, the solutions-orientated and focused resolution of design problems changed on a daily basis, in line with the need to meet prescribed stage boundary milestones and design concerns therein. Consequently, decision-making could not be limited by the need to attend or wait for a meeting as an observer. Design elements were developed by the aforementioned stakeholders to the point where they could then be formally, and informally, submitted to the STG, via Paul Scott, for review, comments, and informal/formal feedback from the STG. It should be noted that Paul Scott was, at all times, totally informed, and very much — in my professional opinion — led the group to a collective decision.

The statements of Paul Scott and his director Nick Harkness are factually incorrect and misleading with respect to any suggestion that I did not feel the need to attend the STG. Indeed, the verbal hearsay, that I did not wish to attend or receive meeting notes, is not correct and/or borne out by the evidence submitted, except for the fact that Paul Scott did not submit all notes in a timely fashion to DCAL, as required within his role. The STG was established to provide technical assurance on matters of health and safety at sports grounds to DCAL in support of key boundary sign-off, to allow progression of the project as a condition of funding award.

My role was as a conduit and a promoter to ensure —

**The Committee Clerk:** Can I just pause you for one second? Your paper is stopping the microphone from picking up your voice. Will you lower it a bit?

**Mr Southern:** I am sorry. I do not want to look down all the time. I would rather look at the Committee.

My role was as a conduit and a promoter to ensure that the STG received relevant information from the GAA and their design team and, conversely, that the GAA received STG feedback and written reporting for decision-making purposes. My role was also to ensure consistency in reporting across the programme and to achieve value for money and best practice in areas of design quality and regulatory compliance. This is evidenced continuously by submissions during stage boundaries 3 and 4 for the period from December 2012 through to my departure from DCAL.

The important point here is that the template for reporting quality and consistency was fully established, working and evidenced on both Ravenhill park and Windsor Park. Casement Park was a natural progression of the preceding projects, and the step-through proceeded in the same way as in the preceding projects.

I will now deal with the technical sign-off at stage boundary 3 in readiness for the planning submission. In June 2013, I received an email from Populous confirming, via the GAA, that the stadium met all requirements. The email was dated before the planning drawings were submitted, and was referred to last week by Noel Molloy. I do not have it to hand but it is there. As a result, I was confident that we were in a good place, given that Populous is a recognised world-class stadium designer, where I am not. In order to meet stage boundary 3 technical assurance leading to approval to proceed with the planning submission, an email was received by Paul Scott on 19 June confirming sign-off and the fact that the design was in a state of readiness for submission to DOE planning, by implication in terms of

following the same process that we had engaged with on Ravenhill park — well, not on Ravenhill, which had planning, but certainly on Windsor Park.

The Committee focused on the email of 19 June, which I am sure you are all familiar with, contained within the DCAL submission — DCAL reference 251/15; your reference 594/15 — and section 13 of Paul Scott's bundle, which confirms the use of the word "potential" as the agreed STG wording. The form of words used of Casement Park — "the potential for an S-factor of 1 and a P-factor of 1" — is identical to the form of words used of Ravenhill park and Windsor Park, and I will quote in full. This is from the document that I have given to you, the Ravenhill safety technical sign-off. It states on page 40 of the Ravenhill document that:

*"The Safety Technical Group have noted the design proposals for Ravenhill and consider that the 'completed' stadium"*

— meaning, at the end —

*"would have the potential to be operated in a manner that could enable the Safety Certificate as issued by Belfast City Council to be based on a 'S-factor' of 1, and a 'P-factor' of 1."*

— ie a full bill of health —

*"This would optimise the capacity of the venue. This of course would be subject to a suitable Management Plan being developed and implemented."*

Windsor Park is identical, but I cannot see what page it is at. You can see the exact form of words. As such, the use of the word "potential" in the email of 19 June was the exact wording that the STG stated that it would use to confirm the approval to proceed at that stage, as evidenced by the preceding two sign-off reports in January 2013. It is entirely appropriate as a technical assurance that Casement Park was in a state of readiness for submission to DOE planning under stage boundary 3 requirements, because there was a precedent in the two previous reports. Why would we question that? It is exactly the same form of words. This is backed up by the fact that the stadium designers Populous had also confirmed that the design met the guidance.

The Committee's previous references to red flags around the use of the word "crushing" in the email and previous email-trail advisory notes is misconstrued. It is entirely appropriate to raise these risk watch-points in the context of future activities in readiness for operation and reflects similar comments in the aforementioned technical sign-off for Windsor Park. I think that it is page 6, where you will see, halfway down the page:

*"Inner Concourse to the East Side of the Stadium".*

Sorry, it is page 5. Halfway down the last paragraph — this is the final sign-off before planning — it is stated:

*"The current arrangement has the potential to lead to crushing on the Bridge. Although the Bridge is outside the 'foot print' of the ground"*

— I qualify for you that the bridge is a main arterial route into the site —

*"it does impact on exiting and emergency evacuation and its current use is not in line with the contents of the Green Guide ... It is important that the access routes to the Railway Bridge are carefully analysed in order to determine the dimensions of the elements of this egress route and to understand congestion issues. The results of this analysis can then assist in determining how to eliminate the potential for crushing on the Bridge without creating queues that would restrict exiting at the end of a fixture. These details should be included in the Management Plan for the ground, agreed and managed (as to prevent crushing on the Bridge) without creating queues that would restrict exiting at the end of a fixture."*

This is a future requirement. This is the future management plan, not now. It is a future requirement. So, it is a variance in the approach taken to Casement Park.

Similarly, in the context of the request for an early management plan, there is no mention of safety in both aforementioned preceding technical reports at key stage boundaries for Ravenhill park and



Windsor Park. That is stated, in the case of Ravenhill park, on page 39 under "Safety Management". Again, this is the January 2013 sign-off report that led to a state of readiness for Ravenhill and Windsor Park. The wording is the same.

*"As stated throughout the text it is important that a Management Plan and related documents are developed as soon as practicable."*

That is a key word — when it is practical to do so.

*"It is likely that the management arrangements will require significant numbers of stewards with the appropriate competences."*

That is a statement of fact. The report adds:

*"It is therefore important that arrangements are in place to ensure that there are sufficient numbers of stewards available and that a Safety Officer with the appropriate competencies is in place",*

in the future. Exactly the same wording is used for Windsor Park at the same position in its report.

The Committee should note, and this is significant, that the safety and event management plan — the operational structure that would balance the physical work that we had undertaken in the programme with the human aspect of management to make the programme work — was developed at Ravenhill, now Kingspan Stadium, throughout the construction period from February 2013. In the context of Ravenhill, it is important to note that this report was not an approval for stage boundary 3; it was an approval for stage boundary 4, because Ravenhill park had planning. So, we were about to appoint the contractor on this one.

The safety and event management plan was developed throughout the construction period, from February 2013 to April 2014. It took 14 months to develop it, with final agreement just prior to the release of the safety certificate and the inaugural match at the ground in April 2014, some 14 to 15 months later. That is the order of it. It has to be that way because of the various stakeholders that have a hand in getting to that position. This formed the template and the expected step-through for the further development of the events and safety management plan for both Windsor Park and Casement Park. The STG's constant reference to the development of the events management plan and safety plan is entirely appropriate. What is not practicable is the timing of this requirement for Casement Park, compared with the approach as evidenced by the preceding step-through on the other two projects in their sign-off reports in January 2013 that I have just referred to. The development of the emergency plan requires the further involvement of the contractor at design stage, during construction, a future stadium management team, blue-light services and the local authority, Belfast City Council. That is perfectly highlighted by the current developing process at Windsor Park, following the demolition of the Kop stand, or whatever is actually happening with it; I am not up to speed. It is a dynamic process, undertaken at the appropriate time and with the appropriate parties involved.

To reiterate: the development of the emergency plan could not be done by the GAA as it can only be developed by a multi-agency group led by the PSNI, with the input of the stadium management team, the local authority and the other blue-light services. I refer you to the red guide, page 25, under "Emergency plans: outside agencies":

*"For designated grounds a plan should be prepared by a multi-agency group and would include the emergency services, ground management and the district council. This group would normally be led by the police but another key player may, by agreement, also take on this role. The inter-agency emergency plans should take account of the nature of the ground and the events for which it is normally used, the number of spectators who regularly attend and the risks associated with normal operation."*

**The Chairperson (Mr McCausland):** Do we have a copy of that?

**The Assistant Committee Clerk:** It is the red guide.

**The Chairperson (Mr McCausland):** Yes, I appreciate that. It would be helpful to see the context.

**Mr Southern:** It is for this reason that I am dismayed at, and categorically reject, any assertion that any aspect of my technical governance and assurance input to DCAL was subject to a "laissez-faire", "let it be" or "let it go" attitude, particularly with respect to liaison with Paul Scott and the STG in my role as DCAL programme architect. Quite the opposite, in fact, is borne out by the evidence submitted to the Committee, which illustrates the detailed and robust nature of liaison and good governance throughout the development of the preceding two stadiums, through their respective stage boundaries, and the continuation of this approach through the development of Casement Park.

I will deal now with other comments, including the handwritten notes taken out of context in Paul Scott's bundle in connection with the sign-off of that STG report. It is in there; I will not derail myself looking for it now. The references to handwritten notes on the draft report in September 2013, post-planning, post-June 19 sign-off, are similarly misconstrued. The reference to "unacceptable" is in the context of an inconsistent narrative that did not reflect ongoing conversations or the quality, in terms of layout, flow and consistency, of the preceding reports for Ravenhill park and Windsor Park issued by the STG in January 2013.

A similar exercise, where I commented on his report, was undertaken on the Windsor Park draft report in November 2012. Again I commented, seeking to ensure the report presented a positive endorsement that reflected the considerable input and effort made by all stakeholders. This project has raised the bar on design quality, safety and comfort at Windsor Park, and it was right and justified that we celebrate this fact at this important milestone and stage boundary. These projects were viewed within our team as long overdue opportunities to celebrate excellence in long overdue major sporting infrastructure as exemplars of their type. As such, we sought to ensure that they were on record for audit purposes.

Similarly, the reference to the email in October 2013:

*"we all know what the issues are"*

is a statement of fact. It reflects the nature of our long-standing working relationship at the time. It was not always necessarily formal, and we both had constant access to each other for comment and discussion. We did know what the issues were. If there were any, they were part of the development process for the future design development by the contractor, and we were working towards a solution. The Committee should be aware that my role as programme architect was to ensure consistency in technical assurance. I believed, based on the evidence in the email of 19 June, that we had achieved that, particularly given the STG's identical form of words to those used on the preceding projects. During the first half of 2014, following the appointment of the IST, the development of the design was constrained due to the emerging JR, which Ciarán referenced. The contractor was unable to develop the emerging suggestions made by the STG due to their potential impact on the live planning application and the JR process. The STG requirement to discount all exiting on to the Andersonstown Road emerged during this time and had begun to be factored into discussions between the GAA, the ICT and the IST — the contractor team — during the time leading to my departure in July 2014. I understand that those discussions or activities were subsequently unable to be concluded due to the ongoing JR.

I do have a summary, but, finally in terms of some of the comments that have been made, in my professional opinion, the reference to Hillsborough in the context of an unrealised, paper-based project with the controls that were in place is, at best, unfounded, sensationalist and unprofessional, given his knowledge of the regulatory system and ongoing professional advisory role as the principle advisor to Sport NI and DCAL and as head of the overseeing body in the context of safety at sports grounds in Northern Ireland. The fact that the current best practice guidance emerged and has evolved over 30 years from the likes of these tragic shortcomings in physical infrastructure and management at major sports venues renders his comments as extreme, in bad taste and disrespectful in the context of that awful tragedy.

In summary, the key facts to note are that, first, safety and emergency exiting was considered at OBC stage by the oversight group based on the fundamental question of whether it was feasible to develop the existing site to accommodate a stadium of 40,000 in accordance with safety and sports ground guidance and, inter alia, emergency exiting. No issues or red flags were raised, and the stadium was deemed feasible by the oversight group, with a recommendation from Sport NI to proceed. The multi-agency report of 2009, led by the PSNI and blue-light services, advocated that emergency exiting should be directed country-bound on the Andersonstown Road. That is totally inconsistent with the STG blue-light services approach at the end of 2013 and early 2014, where closure of the

Andersonstown Road is viewed as a new precondition when the scheme had already reached full planning/drawing stage without the point ever having been raised.

DCAL signed off on the GAA's planning drawings, as it had received confirmation from Paul Scott in an email of 19 June that the stadium had the potential to get an (S) factor and (P) factor 1. The term "potential" was included in the wording agreed and set out by the STG and evidenced on the preceding STG sign-off approvals for both preceding projects. Why, then, would DCAL treat GAA any differently from the other two sports? DCAL also signed off on the planning drawings, as it had confirmation from Populous, the architects, on behalf of the GAA, that all requirements had been met in relation to the planning drawings.

The conditions applied to the planning submission pack sign-off by the STG were the same as for the other two sports, with an expectation that they could not be complied with until 12 to 18 months later or thereabouts, depending on the construction period, as evidenced by the rugby event management plan completed just three weeks before the stadium's inaugural meeting, some 14 to 15 months from the initial sign-off report. It is the responsibility of the PSNI to lead the multi-agency emergency plan, as evidenced by the 2009 emergency plan, which we have here. During 2014, the contractor assumed responsibility for novated design under NEC3 contracts, with a condition of contracts that they must provide a fully compliant stadium with a safe capacity of 38,000 with the further gates that Ciarán has outlined.

The funding agreement for Casement Park contains a further two sign-offs by the STG, one prior to the commencement of construction and the other at the end of construction, prior to operation. A further fundamental, technical and regulatory review by the safety advisory group — not the STG, the SAG — would inform Belfast City Council's considerations on safe capacity prior to the issue of any safety certificate, so it could not gain its capacity without that absolute final gateway. That statutory requirement under the Safety of Sports Grounds (NI) Order 2006 is the final, independent safety gateway, over and above the STG's role. This is the process that was applied to Ravenhill Park and which will be applied to Windsor Park prior to operational readiness.

Thank you.

**The Chairperson (Mr McCausland):** I have a number of questions that apply to both gentlemen. I am just getting the right piece of paper here. This morning, we had evidence from Belfast City Council; from Valerie Brown, who was accompanied by John Walsh. I am just getting their papers here, if you bear with me for a moment. You said that you did not attend the STG due to a conflict of interest. Could you explain that more fully for me? I did not quite grasp the point that you were getting at.

**Mr Southern:** They were providing an assurance function to DCAL. How could I interfere?

**The Chairperson (Mr McCausland):** They were providing an assurance function. My understanding from the officials this morning was that it was an advisory role.

**Mr Southern:** Yes.

**The Chairperson (Mr McCausland):** Is it not of value to sit in and actually hear the advice first-hand?

**Mr Southern:** The terms of reference for the group were such that I fed information from the GAA through to Paul Scott, who took that information to the group, which took a considered position. It was then incumbent upon him to report. There was a direct interface between the chair and me.

**The Chairperson (Mr McCausland):** Did you ever attend any meetings of the STG?

**Mr Southern:** Yes.

**The Chairperson (Mr McCausland):** How many?

**Mr Southern:** I cannot recall.

**The Chairperson (Mr McCausland):** We were told this morning that there were, I think, seven meetings of the STG. Why did you attend the first one if there was a conflict of interest?

**Mr Southern:** I attended as an observer.

**The Chairperson (Mr McCausland):** Why was there not an issue in continuing as an observer?

**Mr Southern:** There was no issue. The process, as I explained earlier, was dynamic and fast-paced. Paul Scott was in a position to contact me at all times. You can see in the email trail that there is a very well-documented process.

**The Chairperson (Mr McCausland):** At the end of the day, it is obviously a matter of opinion as to whether these things are a good idea. My personal view would have been that there was value in attending the meetings as an observer and to hear at first hand because the written report is never as comprehensive. You do not necessarily get all the nuances of a free-flowing conversation amongst experts.

**Mr Southern:** I hear what you are saying, but it was on the basis that we received regular reports and that I had a very close working relationship with Paul Scott.

**The Chairperson (Mr McCausland):** Did someone raise the issue of conflict of interest with you or was that a personal decision?

**Mr Southern:** The terms of reference were such that I had an option to attend if I wished in exactly the same way as with the inclusive stadia advisory group (ISAG). Paul Scott and I both worked with ISAG in exactly the same way.

**The Chairperson (Mr McCausland):** Right.

**Mr Southern:** And it was in the context of a process that was working and flowing. We were getting the appropriate information through the design team from the GAA, passing it through and getting feedback, which informed the next iteration of the design.

**The Chairperson (Mr McCausland):** There was a meeting on 16 October 2013. The Belfast City Council paper states that:

*"Carl Southern convened a meeting to discuss the issues with the new Casement Park development and representatives of the STG were invited. The Council did not receive minutes of this meeting but recalls significant discussion regarding the emergency exiting arrangements".*

Is it correct that you convened a meeting on that date?

**Mr Southern:** If it says so. I cannot recall exactly, but carry on.

**The Chairperson (Mr McCausland):** You cannot recall whether you had any notes of that meeting.

**Mr Southern:** I do not have them to hand.

**The Chairperson (Mr McCausland):** OK. Would you be able to get hold of them from somewhere else? Maybe they were binned a long time ago.

**Mr Southern:** They would be held by DCAL.

**The Chairperson (Mr McCausland):** We have asked for a large amount of paperwork. I am sure that it will emerge. It then says that Mr Southern agreed:

*"to commission an emergency exiting strategy report with computer modelling to illustrate how emergency exiting would be achieved."*

Is that correct?

**Mr Southern:** As I recall the events, yes. I do recall the events.

**The Chairperson (Mr McCausland):** Did you then commission that emergency exiting report in October 2013?

**Mr Southern:** The emergency exiting process during that period was under close examination by the design team in the period leading up to December when the contractor was brought on board. I think that it is important that you understand that, around that time, we received this left-field recommendation that all exiting should be discounted on the Andersonstown Road. This was completely —

**The Chairperson (Mr McCausland):** I appreciate that, and we will come back to that. Just on that particular point —

**Mr Southern:** Yes, we did. The STG recommendation was meandering. At that time the discounting of the Andersonstown Road came to the fore, we said that we would look at it. It was part of the overall process, and it was referred to Populous through the GAA. In the event, it was overtaken by events in so far as it became clear that it was necessary to involve the IST. Again, going back to my original point, this was a stage 3 design — a planning application stage design — that, under the terms of the contract was to be novated to the IST for it to take these points forward. That is the course that it took thereafter.

**The Chairperson (Mr McCausland):** Can I ask again, did you commission an emergency exiting strategy report with computer modelling —

**Mr Southern:** No.

**The Chairperson (Mr McCausland):** You did not.

**Mr Southern:** No, not in terms of the emergency evacuation because it became clear that it was not the appropriate time. In fact, it is borne out by the previous approvals to proceed in January 2013 that it was not the right to start to do this.

**The Chairperson (Mr McCausland):** So, you agreed to it at a meeting that you convened and then did not do it.

**Mr Southern:** We agreed in principle that we would look at the issues.

**The Chairperson (Mr McCausland):** Did you then communicate to Belfast City Council and others that you were not going to do the thing that you had undertaken to do?

**Mr Southern:** I do not recall whether I communicated that or not.

**The Chairperson (Mr McCausland):** That seems quite shocking.

**Mr Southern:** Why? There was no requirement for an emergency evacuation plan at that time.

**The Chairperson (Mr McCausland):** Why did you agree to commission one if you did not think that there was a need for one?

**Mr Southern:** This is in the context of a design that has received assurance that we can proceed to planning. It is a stage 3 design, which the STG started to backtrack upon in September/October 2013 and started to introduce draconian requirements for the 100% discounting of all exiting. We started to look at this in the context of what had gone before, and the fact is that, if it had been mentioned and we talked about the principle of doing it, it did not happen. However, as I said, it was something that had to be taken forward by the IST. It did not happen. That is a point of fact. I am not going to say that it did, but the point is that this was October 2013, and the contractor was brought on in December. So the decision was taken that the appropriate party to get involved in this was the IST HBJV.

**The Chairperson (Mr McCausland):** I am surprised that at the fifth meeting of the STG, the sixth meeting took place and then, at the seventh meeting, on 13 November 2014, more than a year after that meeting that you convened in October 2013 —

**Mr Southern:** Can you repeat that please?

**The Chairperson (Mr McCausland):** There was a fifth meeting of the STG on 7 January 2014; there was a sixth meeting on 19 May, and the final meeting — the seventh meeting — was on 13 November 2014.

**Mr Southern:** That was post my time.

**The Chairperson (Mr McCausland):** Yes, I appreciate that. At that meeting, according to the note that we were given this morning by Belfast City Council, at the meeting on 13 November:

*"It was agreed that the STG would continue to request a copy of the emergency exiting strategy."*

That was the strategy that you had undertaken to commission more than a year previously but did not do. Quite frankly, that is alarming.

**Mr Southern:** The fact is that the emergency plan could not be developed at that time.

**The Chairperson (Mr McCausland):** Why?

**Mr Southern:** Because it is a multi-agency approach, and we did not have the contractor on board. It is an evolving design that requires the input of the contractor. The contractor came on board in December/January 2014.

**Mr McGurk:** December 2013.

**Mr Southern:** December 2013/January 2104 is when the contractor came on board.

**The Chairperson (Mr McCausland):** You committed to a group of people at a meeting on 16 October 2013 to commission something that could not be commissioned because there was nobody there to do it. That is horrendous.

**Mr Southern:** If I made that offering, I will accept that it is possibly something that was not in my gift at that time. I bring you back to the fact that the other two projects did not require the development of the management plan and the emergency evacuation plan until we had the contractor on board and a project through to final certification. It is not possible to do it. I hear what you are saying, but I cannot recall whether I would have been in a position to go down the route of an emergency-evacuation simulation model. We certainly did it on normal exiting. You may be aware of the red-line drawing that was subsequently produced in April 2014 that started to look at the overlay. We were being further pushed down the road of looking at additional exit width overlaid on the existing sites. The STG was constantly coming back asking, "What about this? What about this? Can you do this?"

**The Chairperson (Mr McCausland):** I have to say that most people, on hearing that admission from you, will be as appalled as I am that the STG was treated in that way; that it was promised something that could not be delivered and that you did not even attempt to deliver.

**Mr Southern:** I gave an undertaking that we would look at it. I did not promise it; I gave an undertaking.

**The Chairperson (Mr McCausland):** Sorry. You gave an undertaking, and you now tell us that you did not do it and could not do it. This is a cavalier approach, is it not?

**Mr Southern:** No, it is not a cavalier approach at all. You are not taking it in the context of a previous process that we had worked with.

**The Chairperson (Mr McCausland):** I think that I am.

**Mr Southern:** I will ask you a question: why —

**The Chairperson (Mr McCausland):** No, sorry, Mr Southern, you are here to answer questions, not I.

**Mr Southern:** Excuse me. Why, after an assurance in June 2013 that we had a project that could meet an (S) factor and a (P) factor of 1, were we backtracking in September or October?

**The Chairperson (Mr McCausland):** We will be taking further evidence. We have not had that evidence in this inquiry. We had evidence before the inquiry started; we had a prior session with Mr Scott. He will be coming back, and we will be speaking to him. We spoke to Belfast City Council officials this morning. What I am hoping to do today is get to the bottom of your role in all of this, and it has not been a good start. I have to say that am very disappointed that a commitment was made to people and then just ignored and they were never told.

**Mr McGurk:** To be fair to my ex-colleague, whether he committed to doing that or not, it was not in his gift to do it. You have just read from the red guide. It was not his responsibility.

**The Chairperson (Mr McCausland):** Let me take it a stage further. I will try to get the terminology right. You are professionals in this field; I am not. I may not use the exact terminology. However, we were told by officials from Belfast City Council this morning that there was an emergency-exiting strategy to be produced. That is the thing that is talked about there. They were still requesting that in November 2014. Is it not the responsibility of the owner of the stadium? It was mentioned, for example, that, at the moment, the person responsible for ensuring that there is an emergency-exiting plan is Danny Murphy. As the senior figure in the GAA, he has responsibility in regard to Casement Park. It is not the blue-light people; we were told that very clearly by the official this morning. We will have her testimony. I cannot put her exact words to you at this point, but she was very clear that it is the promoter, or the technical experts employed by the promoter, who draws up the emergency-exiting plan.

**Mr McGurk:** I will reply, Chair. I always approach these issues —

**The Chairperson (Mr McCausland):** Sorry. I have just been reminded that "the certified person" was the term used.

**Mr McGurk:** I always approach these things in layman's terms because I am not a safety technical expert. In my view, when you read the paragraph in the red guide that Carl read out, you see that it is clearly the responsibility of a multi-agency group, normally led the police. In the event of a gas leak or a bomb threat at a soccer ground, a GAA ground or other stadium, which was caused not by GAA, soccer or rugby but by another incident or somebody else, I would not want to be handed responsibility, as event controller with a team of maybe 100 voluntary stewards, for getting 38,000 — or 18,000 in the case of Windsor — out of that ground and to put in place the emergency plan for that project. I do not think that it was in — Carl made a comment that he could deliver the plan — but it is not in his gift at all; it has to be the emergency services that have to lead that. It is only common sense for that to be the approach.

**The Chairperson (Mr McCausland):** That they are the people responsible for drawing up an emergency exiting strategy.

**Mr McGurk:** Yes, for example, a gas leak —

**The Chairperson (Mr McCausland):** No, moving away from gas or whatever —

**Mr McGurk:** It is all around emergency evacuation.

**The Chairperson (Mr McCausland):** It is simply about the broad principle. Who is responsible for producing the emergency-exiting strategy? That question was put last week to Noel Molloy, and he gave the answer that we are getting today. That question was put to the people from Belfast City Council, and, if I understood them correctly this morning, they gave a different answer.

**Mr McGurk:** One needs somebody who is an expert in the red guide to explain who is responsible.

**The Chairperson (Mr McCausland):** Is neither of you an expert in the red guide?

**Mr McGurk:** I am not.

**Mr Southern:** I would not purport to be an expert on the red guide, no.

**The Chairperson (Mr McCausland):** Right, OK. We will move on.

**Mr D Bradley:** Afternoon. You said —

**Mr Southern:** Who are you directing this to?

**Mr D Bradley:** Give me a minute. Mr McGurk earlier outlined the various stage boundaries and started off with stage 1, which was the OBC preparation and the acceptance of it. How robust is an outline business case?

**Mr McGurk:** Hopefully, I explained that relatively clearly, in that the purpose of an outline business case is, as I said, to establish the preferred option. As I further explained, at that stage, you only have concept drawings. So, at that stage, fundamentally, you are trying to carry out a risk analysis to ask whether a project is too risky or not. In other words, one would abandon the project if one thought that, for example, the emergency exiting was not appropriate. That is the fundamental question for an OBC.

**Mr D Bradley:** There is a view that says that if the political will is behind a project these sort of things are not really any great problem.

**Mr McGurk:** There will be an independent team of economists and business case consultants appointed, and relevant technical, financial, legal and procurement expertise will be drafted in to compile the business case. Regardless of the political will, I would find it very difficult to accept somebody saying that you can get a business case approved without proper assessment by relevant experts in that field.

**Mr D Bradley:** Was the stadium OBC robust?

**Mr McGurk:** I had absolutely no role — I do not know if you had, Carl — in the approval of the OBC at that time; I joined the stadium team in April 2011 after the approval of the OBC. The team was set up as a result of the approval of the OBC. I have no knowledge of who would have been involved in assessing it, but my experience in the public sector is that a business case of that magnitude would be subject to robust assessment of the risk, etc.

**Mr D Bradley:** Do you know who had input into the outline business case at that stage?

**Mr McGurk:** I do not know the names of all involved.

**Mr D Bradley:** Do you know the names of the organisations or bodies?

**Mr McGurk:** When we were working in Sport NI, it had a role, the Department, DFP as well probably.

**Mr D Bradley:** What was Sport NI's role in it?

**Mr McGurk:** I imagine that it would have been involved in the technical safety approval and in commenting on the technical safety compliance of the scheme. There is an economist who would have been involved in the investment appraisal.

**The Chairperson (Mr McCausland):** Is that somebody in Sport NI?

**Mr McGurk:** It will have been a dedicated investment appraisal manager.

**Mr D Bradley:** Would Mr Scott have been involved in it?

**Mr McGurk:** Based on Carl's evidence, yes.



**Mr Southern:** Technically, he would, yes.

**Mr D Bradley:** He would have been part of the approval of the case and the fact that —

**Mr Southern:** Risk assessment, yes.

**Mr D Bradley:** — no emergency exiting risk was flagged up at that stage.

**Mr Southern:** It is an existing site that has a frontage and two exits onto two existing street conditions, and the multi-agency report underpinned and endorsed that existing context.

**Mr D Bradley:** What I am saying is that Mr Scott was involved in that, and he did not raise any red flag at that stage about emergency exiting.

**Mr Southern:** If he did, it is certainly not evidenced in the OBC.

**Mr D Bradley:** OK. And there was a specific section in the OBC on risk.

**Mr Southern:** Yes.

**Mr D Bradley:** OK. How come, then, three years later, he is speaking about risks around emergency exiting for the 38,000-capacity stadium?

**Mr Southern:** It is a mystery to me, and it is something that you would need to ask him. Essentially, he did not raise any risks on the OBC and, therefore, advocated the use of all exits. There was no mention of discounting the Andersonstown Road. The multi-agency report that followed shortly afterwards allowed for the use of the Andersonstown Road as part of the exiting strategy. Therefore, at that time, the site had a clean bill of health to go forward.

**Mr D Bradley:** Do either of you know who actually signed off the OBC? Was it the Minister or was it an official in DCAL?

**Mr Southern:** I was not party to that at that time.

**Mr D Bradley:** You do not know.

**Mr McGurk:** DFP would have been the first in the paper trail. I do not know whether the Minister or the permanent secretary would have approved it, but I can recall that DFP gave DCAL the nod, which would then give Sport NI the nod, which would then give the GAA the approval to go forward. I do not think that there was any ministerial sign-off by DFP or DCAL; I am not sure. I can recall that it was a four-part arrangement from DFP to DCAL to Sport NI to the GAA.

**Mr D Bradley:** So, it would have gone to DFP officials. Would it then have gone to the CAL Minister or someone else?

**Mr McGurk:** I do not recall. I do not know, to be honest.

**Mr D Bradley:** You do not know; OK. Fair enough. Mr Southern, at the October 2013 meeting between the STG and the design team —

**Mr Southern:** I am sorry; could you make a reference to that? I may have the document, but I am not sure what you are referring to.

**Mr D Bradley:** It was in the evidence given by Belfast City Council this morning. It says:

*"A meeting was convened by DCAL in October 2013 between the STG and the Design Team."*

It was chaired by you and included representatives from the PSNI, Belfast City Council, SNI, GAA and the design team. The paper says:

*"The issue to do with emergency exiting was raised based on a scenario of the Andersonstown Road exits being unavailable".*

That was according to the official from Belfast City Council. The emergency exiting arrangements until then seemed to be acceptable under normal circumstances.

**Mr Southern:** Normal exiting; yes.

**Mr D Bradley:** I think that the police described that scenario as the Andersonstown Road being closed off and not available for exiting. That was really when the major safety issues around exiting arose — at that particular time. Further crowd modelling was to be done.

**Mr Southern:** It would have been done through the good offices of the integrated supply team (IST).

**The Chairperson (Mr McCausland):** You told me that it was not done.

**Mr Southern:** It was not done under my direction but it would have been done under the appointment of the IST, which came some two months later.

**Mr D Bradley:** The contractor?

**Mr Southern:** The contractor, yes —

**Mr D Bradley:** When you gave the undertaking —

**Mr Southern:** — which you have seen, actually, with the Tenos report, which was after my time. That is the —

**The Chairperson (Mr McCausland):** Just for the record, the Tenos report came in papers from the Department. We just got it just this morning and we have not had a chance to look at it. It is uploaded now, but there are a couple of questions that we will want to ask about that because we have not seen it before.

**Mr D Bradley:** Anyway, in its evidence, Belfast City Council said that:

*"no further crowd modelling for the emergency exiting was provided so a final report has not yet been produced."*

Would that have been the stage in the whole process when a final report on safety matters would have been effected?

**Mr Southern:** No. As I explained using Ravenhill as an example, the management plan, the event management plan, and the safety plan come later. The sign-off to allow the appointment of the contractor team on Ravenhill Park in January 2013, which led to the appointment of the contractor in February 2013, began that process. That process culminated in the issuing of the safety certificate some three or four weeks prior to April 2014.

After the Ulster branch of the IRFU appointed a stadium manager, the design went through a further iteration change to raise the bar on the green guide standard by the design team within the contractor team. So, it changed the original design further and that step-through process with the STG was undertaken during that process.

**Mr D Bradley:** The effectiveness of the emergency exiting plan depends on the physical infrastructure of the stadium. Is that not right?

**Mr Southern:** It does, but we were —

**Mr D Bradley:** At what stage do you ensure that the physical infrastructure will facilitate an acceptable exiting plan?

**Mr Southern:** Under the control of the contractor's design team.

**Mr D Bradley:** Would that have been at a later stage?

**Mr Southern:** At a later stage, yes.

**Mr D Bradley:** In reference to the conversation you had with the Chair earlier, why did you not explain that at the time?

**Mr Southern:** We had explained it. I think it is important that you note that I have a solutions-orientated focus on things. I cannot recall that meeting exactly but I saw my role in the whole push as enabling: trying to get to a positive decision within the boundaries that we were able to work. We achieved that at Ravenhill and at Windsor Park. In the context of Casement Park, the rules were changing, and they were changing constantly. We had an assurance to proceed to —

**Mr D Bradley:** The roles?

**Mr Southern:** The rules. They were meandering in their requirements. They refer constantly —

**Mr D Bradley:** The rules made by whom?

**Mr Southern:** By the STG. There are references —

**Mr D Bradley:** Surely they do not make the rules; they only interpret the guidelines.

**Mr Southern:** We built the STG into the process to give assurance to the Department, so obviously we wanted to ensure that any legitimate concerns that they had were being addressed within the design proposal. You have Populous, as the architects, giving an assurance. You heard the testimony of Mike Trice, who said that the design was based on a combined zone 3 and 4 and the ability for all 38,000 people to be evacuated into a reasonable place of safety within the stadium. That is a very pertinent and site-specific solution within the constraints of Casement Park.

**Mr D Bradley:** This morning, Ms Brown said that part of the reason for the modelling exercise was to identify the weak spots within the stadium with regard to emergency exiting.

**Mr Southern:** Yes.

**Mr D Bradley:** Presumably, that would feed into the contractor's design so that he could modify the design in order to eliminate the risks identified.

**Mr Southern:** Absolutely. Populous —

**Mr D Bradley:** If the modelling did not take place, how would the contractor achieve that?

**Mr Southern:** Again, if we take Ravenhill and Windsor Park, we did not go through a virtual model to identify that they were safe. They went through a calculation-based model. Casement has gone through a virtual model scenario because of the difference in approach that has been taken —

**Mr D Bradley:** Or in the footprint.

**Mr Southern:** — and to give further assurance to the STG. Yes, within that footprint. The point is that we have a design template that a world-class stadium designer has confirmed will meet the red and green guides. That was good enough for DCAL at the point of the assurance by STG that it could also meet the (P) factor and (S) factor of 1.

In June, we were going in a positive direction. It started to derail with the STG with additional requirements coming in around September/October. I cannot recall the particular note that you are picking up on. Maybe I jumped in too quickly. The point I am trying to make is that I was solutions-focused and I was trying to get to a positive outcome. If I was a little bit too eager to say, "We will look at this", I accept that; I will take it on the chin, but the fact is that it actually was not in DCAL's gift. It

was in the gift of the IST, following appointment, to further develop those aspects of the design in terms of emergency evacuation planning throughout its construction process and prior to certification.

**Mr D Bradley:** I accept what you are saying, but part of what was necessary was that all possible risks would be identified so that the contractor could address those within the design.

**Mr Southern:** All possible risks had been identified. The multi-agency report made quite clear the approach that was acceptable in the context of the existing stadium and an existing capacity of nearly 32,000.

**Mr D Bradley:** That is at variance with what we were told this morning by Belfast City Council.

**Mr Southern:** I did not hear that.

**Mr D Bradley:** What they said was that there were open areas within the old ground that could provide places of safety, but because they would now be encompassed in the seating of the new ground, they were no longer available. The conclusion that I drew was that you cannot compare, like for like, the old stadium with the new one from the point of view of safety exiting.

**Mr Southern:** But I go back to the point that we had a world-class stadium designer advising us that the stadium worked.

**Mr D Bradley:** Yes, I accept that.

**Mr Southern:** Obviously, a lot of public funding was put in to get to that point.

**Mr McGurk:** I think that Mike Trice explained last week that the new stadium provided for the concourses to be used as a place of relative safety —

**Mr Southern:** For all 38,000.

**Mr McGurk:** So, whilst those areas are gone from the old stadium, there are compensatory measures in the new stadium. It is up to him. He is the —

**Mr D Bradley:** I did not get the impression this morning that Ms Brown from the City Council agreed with that.

**Mr McGurk:** There is a fundamental question that I think everybody has to ask themselves, all the members and so on. Is there a lack of confidence in Populous, this world-renowned design team? That is a very legally —

**Mr D Bradley:** I do not think we will draw conclusions in the middle of an inquiry. I think we will wait until we hear all of the evidence and then weigh it up.

**Mr McGurk:** The Department is not designing the stadium, nor is the GAA. It passes the responsibility to the design team, so they need to answer the question. Did they answer it effectively last week? I do not know. If they did not, they need to be asked again, but I have strong faith in them, and so would Carl, I am sure.

**Mr D Bradley:** I do not know if they are coming back again. In any case, to go back to your evidence, Mr McGurk, you are basically saying that there is a cast-iron guarantee within the whole system and the various gateways that you mentioned so that we would never get to a stage where public safety is in question at a level where it would be unacceptable.

**Mr McGurk:** As I said at the end of the presentation, the only way that could happen is if those charged with licensing grounds and those charged with delivering safety at grounds, including the governing bodies, do not comply with the system. Then something could happen, but that could happen at any single ground in the UK, Ireland, or anywhere. For example, at Windsor Park, there will be a capacity of 18,000 eventually. If somebody decided to put 20,000 in it, that would be unsafe. If it was a ground of 5,000 for a local game, whether it was the Irish Premiership or a GAA county ground, and somebody decided to put 8,000 in it, then it would be unsafe, but the licensing system —

**Mr D Bradley:** But what we are talking about is the official process of commissioning the stadium, designing it, building it and signing off on it; not anything after that which others may do.

**Mr McGurk:** Yes. Within the design and the build of the system, you are correct in that the contractor cannot get paid or will face a clawback situation if the stadium does not meet the full 38,000 —

**Mr D Bradley:** So, within the official process, you are content that public safety is not, in any way, compromised.

**Mr McGurk:** What I am saying is that the contractual mechanisms, as advised by the Department and its legal advisors, protect against that scenario happening.

**Mr D Bradley:** OK. Thanks very much.

**The Chairperson (Mr McCausland):** I am interested in the issue of that meeting on 16 October 2013 and a couple of other dates prior to that. On 10 May 2013, Populous provided plans of Casement Park, which were provided to Sport NI by DCAL, that showed the need to widen exits by demolishing houses on Owenvarragh Park and Mooreland Park. Are you aware of those plans, Mr Southern?

**Mr Southern:** 2013?

**The Chairperson (Mr McCausland):** 10 May 2013. There were plans; we had pictures of them last week.

**Mr Southern:** That was in 2014. Is this the error in Paul Scott's —

**The Chairperson (Mr McCausland):** No, this was something that was given to us — I will just get the exact —

**Mr Cree:** It was Sport Northern Ireland's submission to DCAL.

**The Chairperson (Mr McCausland):** Yes, but there was also — It is the large coloured one; the red, white and blue one. I apologise; we will just take a moment to get the right —

**Mr Ó hOisín:** Chair, was it the one that was read incorrectly by Mr Scott in terms of the date?

**The Chairperson (Mr McCausland):** No, it was not. There it is. Are you familiar with that particular one?

**Mr Southern:** I am, but that is 2014, not 2013.

**The Chairperson (Mr McCausland):** Sorry, you are right. I see now what we are talking about. There is very small print at the top. It says that it was revised in May 2013.

**Mr Southern:** No. What you are looking at there, Mr Chair, is an existing general arrangement drawing, which was prepared for other purposes, which the architects have then used to place an overlay of a suggested modelling of an evacuation population. It is an existing drawing — in architectural terms, it is what we call a general arrangement drawing — of the ground. On a computer, they have then overlaid it with a diagram to show the number of people, based on so many people per width, that you could get through the exits.

**The Chairperson (Mr McCausland):** So, this was a plan that was originally part of the tender-type documents that were drawn up for a new stadium. It says that it was amended on 3 April 2014, and it mentions the eight-minute scheme. Were you there still in April 2014?

**Mr Southern:** A lot of this work was being done, obviously, under the instruction of the GAA to Populous, as its client. I cannot recall that exactly. A number of iterations of that drawing were produced. I think that that is the drawing that you are referring to; I do not have it. I think that it is an

exploratory tool that looks at the impact of a 100% sterilisation of the Andersonstown Road, which had never come to light. It did not form part of the OBC; it did not form part of the multi-agency plan —

**The Chairperson (Mr McCausland):** It was just to clarify whether you were familiar with the document.

**Mr Southern:** The important thing for you to note is that it is a game changer.

**The Chairperson (Mr McCausland):** That is a game changer?

**Mr Southern:** No; a 100% sterilisation of the Andersonstown Road.

**The Chairperson (Mr McCausland):** Right.

**Mr Southern:** That had never been tabled before.

**Mr McGurk:** In simple terms — this would probably need to be checked with DCAL — it was a general arrangement drawing, as Carl said. The houses were added in 2014 to the drawing.

**The Chairperson (Mr McCausland):** Right.

**Mr McGurk:** That is my recollection.

**The Chairperson (Mr McCausland):** Before I bring in Cathal Ó hOisín, why did you convene the meeting on 16 October 2013?

**Mr Southern:** Because the STG had raised the issue of emergency evacuation, as you know, throughout various minutes, and we were seeking to be collaborative and to see whether we could get to a positive position with it. It was in the interests of progressing the project.

**The Chairperson (Mr McCausland):** You met Sport NI, DCAL and the GAA design team to discuss the STG report of 28 September 2013 at a meeting on 30 September 2013.

**Mr Southern:** Are you referring to the one with the handwritten notes?

**The Chairperson (Mr McCausland):** I am just referring to the date of the meeting.

**Mr Southern:** Chair, I cannot recall exactly.

**The Chairperson (Mr McCausland):** OK.

**Mr Ó hOisín:** Go raibh maith agat, a Chathaoirligh. I want to go back to the boundary stages. I appreciate the traffic-light analogy; it shows the safeguards that have been put in place not only at every boundary stage but within the boundary stages. You talked about red, amber and green, and then explained it further. I thought that was quite useful. In the process, we got as far as boundary stage 4, which was the planning approval, and I suppose —

**Mr McGurk:** The appointment of the contractor.

**Mr Ó hOisín:** The appointment of the contractor. That was in January 2014 —

**Mr McGurk:** December 2013.

**Mr Ó hOisín:** December 2013/January 2014. Up to that point, you said that there were no red lights. The term "red flag" has been used in previous discussions here. So that had gone by the design team stage, which would have covered the indemnity clause up to that point, going through stage 3, the approval of planning drawings. Is boundary stage 2 the point of the development cost letter of offer?

**Mr McGurk:** Yes. The OBC comes first, then the business plan is approved and then we issue the development cost letter of offer at stage 2.

**Mr Ó hOisín:** At this stage of the outlay there is a redacted version of the OBC. We have yet to see a full version of the OBC. I think there are some commercial sensitivities or something; I am not sure exactly what. There are different figures being bandied about, but the development cost letter of offer freed up some moneys to allow the development process to continue. Have you any idea what that was?

**Mr McGurk:** In accountancy terms, just to bore you all, that would permit the release of costs, which can then be capitalised against the assets. In other words, you can spend money on design fees and consultancy costs in relation to developing the stadium. That letter of offer was in and around £4 million. I am not sure what the precise figure is.

**Mr Ó hOisín:** I think that we were talking about £4.4 million.

**Mr McGurk:** That would allow the GAA to spend money on design fees.

**Mr Ó hOisín:** When was that letter of offer, as a matter of interest? I have it somewhere, but —

**Mr McGurk:** February 2012.

**Mr Ó hOisín:** Notwithstanding all of that, we got to boundary stage 4, and then there was the knock-back with the JR and what have you. That said, at this point there had been no red lights, flags or whatever. The future sign-off requirements were also built into that. There is a slight differential between yourself and Mr Southern. I think he said there are three further sign-offs by STG, and I think you said two.

**Mr McGurk:** I was going back to the planning one, because —

**Mr Ó hOisín:** You were going back to —

**Mr McGurk:** Yes.

**Mr Ó hOisín:** OK, that is clear enough.

**Mr McGurk:** That is three further sign-offs.

**Mr Ó hOisín:** Then, of course, there is the 25-year commitment for clawback and funding. All the safety and technical recommendations up to that point were under Mr Scott. Is that what you were saying, Mr Southern?

**Mr Southern:** Within the OBC?

**Mr Ó hOisín:** Within the OBC, yes. Those were all up to him. You used the word "meandering". When did that meandering start?

**Mr Southern:** I sound like a stuck record, but the June 19 email, with the form of words "the potential for", followed the form of words on Ravenhill and Windsor Park. Therefore, as we had that preceding narrative, and because Paul Scott was comfortable at that time, we proceeded with planning. That was sufficient assurance to DCAL, in conjunction with the assurances from the design team, that we were in a good place, so we proceeded to planning.

I was just trying to locate something there, to start to track the wobble that we were seeing, since the final report was not actually given to us. On 9 September 2013, I wrote to Paul asking him for an update following the meeting on 5 September to advise when we could expect the final report, so that we had that audit trail. In particular, I asked him —

Sorry, I will backtrack. Apologies. Following June 29, on 23 August, I received an email from Paul:

*"There is a Safety Technical Group Meeting arranged for Thursday 5th September - this appears to be the earliest date that suited the majority of members following the holiday period. As you are aware meetings have taken place between SNI and other agencies on a 1 to 1 basis and there appears to be a consensus that the latest proposals address the exiting concerns."*

That was on 23 August. On 9 September, I further wrote, on the basis that we had had that assurance again:

*"Hi Paul*

*Would you provide an update on the 5th and advise when we can expect the final report. In particular, are there any technical points raised that require a physical adjustment or addition that may require clarification for the purposes of the ongoing invitation to tender for the IST?"*

So, we had an assurance in June, and we got another assurance in August. We asked if we could, please, have the report. It did not come. This is the point at which things started to change, and we started to hear about 100% sterilisation of exiting on the Andersonstown Road.

**Mr Ó hOisín:** That is the point. We did not receive those emails within Mr Scott's bundles. We will have to ask him about that next week, or whenever we see him. That is, obviously, where the hiatus or break happened; it happened somewhere in between there. That is a question for him to answer. Up to that point, he had the opportunity to comment on all aspects of safety, including the exiting strategy.

**Mr Southern:** Yes.

**Mr Ó hOisín:** OK. Chair, just as an overall point, it would be useful at some stage to get a glossary of the terminology of some of the terms that are being used and, maybe, the roles and responsibilities. I have heard new terms today. We have heard about the inclusive stadia advisory group, the integrated supply team, the oversight steering group, which was a precursor of the safety technical group. There are more factions here than I would care to shake a stick at.

Last week, great play was made of the inclusion of the word "potential" when it came to the safety aspect. Again, you have highlighted the inconsistencies across the board. That has been a recurring theme throughout the inquiry. You reiterated that the multi-agency group looking after emergency exiting would be police-led. It begs the question of why the safety technical group was going particularly after the GAA to get this delivered on. This morning, we heard again, as Dominic Bradley said, from the Belfast City Council on whose role and responsibility this was. Would you care to comment on that?

**Mr Southern:** Sorry, can you —

**Mr Ó hOisín:** I am just saying that you would imagine that the multi-agency group would be led by the blue-light people, particularly the police.

**Mr Southern:** It is stated in the red guide.

**Mr Ó hOisín:** Yes, that is it says. It is fairly clear, is it not? Some people said this was ambiguous, but I think it has got to do with subjective interpretation.

**Mr Southern:** It is a question of having the right stakeholders around the table at the appropriate time in the design development cycle. We were not there on Casement Park.

**Mr Ó hOisín:** Can the interpretation of the red guide be subjective?

**Mr Southern:** I do not think so, no. I think it is fairly categorical in what it says in the page that I read to you.

**The Chairperson (Mr McCausland):** I suggest that we take a five-minute comfort break. We have been on the go for two solid hours.

*The Committee suspended at 4.08 pm and resumed at 4.17 pm.*



*On resuming —*

**The Chairperson (Mr McCausland):** We resume the meeting.

**Ms McCorley:** Go raibh maith agat, a Chathaoirligh. Thank you very much for the presentations. We have heard so much. It is about trying to focus on all the detail. Ciarán, I will go back to the outline business case. Safety is uppermost in our minds, and in my mind in particular. We are hearing that it was not an issue all the way through, although it was considered. Consideration was given to whether it was too risky to arrive at the outline business case approval. Were you actually involved in approving the outline business case?

**Mr McGurk:** No.

**Ms McCorley:** You had no involvement.

**Mr McGurk:** I became involved in April only as a result of the approval of the OBC.

**Ms McCorley:** It was after that when you got involved. Do you know —

**Mr McGurk:** When the new team was set up in Sport NI to deliver the programme.

**Ms McCorley:** Would it have had to look specifically at emergency exiting? Would that have been a requirement for the OBC?

**Mr McGurk:** I imagine that it would have looked at all aspects of safety technical approvals, including emergency exiting.

**Ms McCorley:** Maybe because the number being looked at was 40,000. That is a big factor. You would look at the whole thing differently if it was for 10,000 rather than 40,000. Presumably, these factors had to be taken into account, maybe not in massive detail, but they would have been looked at.

**Mr Southern:** Any obvious constraints.

**Ms McCorley:** Can you tell us about the conditions that would have been imposed at the sign-off stage? What conditions would have been imposed by DFP and DCAL?

**Mr Southern:** I cannot answer that. Do you know, Ciarán?

**Mr McGurk:** Normally, DFP would apply standard conditions around changes to the project like the one I mentioned around changes to the preferred option. There are all sorts of standard conditions that I have seen many times on DFP-approved business cases around out-turns and objectives and so on. DFP would have applied those and, as far as I am aware, DCAL would have passed those on to Sport NI, which would in turn have passed them on to the GAA. I am not aware of any conditions on emergency exiting or safety.

**Ms McCorley:** So there was no red flag at that point. It did not become an issue until 2013.

**Mr McGurk:** Carl knows better than me, but we are way down the line, really.

**Ms McCorley:** OK. I am just trying to clarify all of that.

Carl, a couple of months ago now, we heard from Paul Scott that the red guide stated that, if there was a hazard outside the ground, the way to deal with the safety aspect would be that people may need to stay inside the ground and be held there until it is safe to exit. What Paul Scott said was that, in all emergency cases, everybody has to be evacuated in eight minutes — in all situations.

**Mr Southern:** That is not correct. My understanding is that the eight-minute rule is into a place of reasonable safety and then enter into a free-flow reservoir system that allows you to get to a place of safety. There are two scenarios: one is an in-stadium incident, such as a fire, which we stepped

through and have an exiting plan for; and the other is for an external event, which is a one-off, high-impact, low-probability event that could affect one or more entrance or exit positions. That brings in the contingency plan and the multi-agency approach, and that starts to look at the potential for proportionate and graduated responses, which could include, for example, the use of the pitch. There could be a phased-management process of managing the crowd and bringing people out in stages. It is a disaster plan: it is a completely different scenario.

**Ms McCorley:** This morning, we heard from Valerie Brown from Belfast City Council. The issue she talked about was the use of the pitch in an emergency evacuation for capacity. She said that it cannot be used. Are you knowledgeable about what that all means?

**Mr Southern:** I will be honest: I am a bit rusty. Generally speaking, in the context of the red guide, the pitch is not used under normal exiting provision as a place of reasonable safety. It is discounted. You would consider it in a contingency situation.

**Ms McCorley:** OK, but she said that the pitch cannot be used when you are trying to calculate emergency exiting capacity.

**Mr Southern:** That is correct.

**Ms McCorley:** We heard from the world-renowned designers: I presume that you used world-renowned designers so that you could more or less leave them to do the work.

**Mr Southern:** They are, undeniably, one of the best stadiums designers in the world. That is demonstrated through the track record that Mike Trice outlined. I do not know how many million spectator seats they have designed. Many of their designs are award-winning, including Wembley, the Emirates and the Olympic Stadium, etc. They are experts.

**Ms McCorley:** So, the emergency exiting capacity that they would have been working to would not have included the pitch.

**Mr Southern:** The emergency evacuation strategy comes later. This is the fundamental point: a different set of rules is being applied to Casement Park. It was to be developed when the integrated supply team — I am sorry; I realise that this is Cabinet Office terminology in 'Achieving Excellence in Construction'. You have a design team appointed by the GAA, who produced the design that went through planning — effectively, the exemplar footprint, the way it looks and the design quality — which is then novated, transferred, to the integrated supply team. It is then a design and build contract.

So, the design is not complete, and the contractor takes that on board with another design team. Oran outlined the fact that they have AFL on board, which is equally a very good stadium design team. It takes that forward and effectively produces the detailed, deliverable version of the Populous plan. That is then used in conjunction with the stadium manager and the blue light services and through the SAG prior to final certification. That 12-, 18- or 24-month contract period was too early at the point that STG was engaging.

**Ms McCorley:** The big concern is that the Casement project was being put through a more rigorous set of hoops than the other two.

**Mr Southern:** An inconsistent set of hoops, yes.

**Ms McCorley:** Why do you think that was?

**Mr Southern:** To this day, I do not know. At that point, in the emails that I am referring to, from August through to October, there seemed to be a change in tack, and the 100% sterilisation of the Andersonstown Road was fairly extreme.

We were working with them. You can see that. I would like to put on record that, if I suggested that it was in my gift to offer to carry out that emergency evacuation, I would like to take that from the record because, ultimately, it was not in my gift. It was within the IST's gift. I was effectively trying to perpetuate a line of enquiry that we had gone through before with Populous. Considerable moneys were spent in a programme called, I think, multi-user virtual environment (MUVE), which is a virtual modelling tool that was used to determine the general exiting strategy in the event of fire for the whole

stadium. It looked at about seven different scenarios. It was a very expensive process and demonstrated to Belfast City Council on 30 April that the exiting strategy in the event of fire worked.

The comment that I made — with regret now — is that we would have looked at possibly running that again with Populous, but it was deemed thereafter not to be within that process. It was the IST process. As I have explained, it had to carry on with the integrated supply team and the design and build team because they had to be in a position to modify the design to, effectively, reach the outcome of that process. We were within a planning process. We had not got planning. We could not fiddle with the design at that point. It had to come after. I think that we got planning approval in December 2013.

**Ms McCorley:** And then events overtook it. Did the imposition of the 100% block on Andersonstown Road in the event of an evacuation surprise you? In your experience, had you seen that happen before?

**Mr Southern:** The OBC had not mentioned it. The OBC worked on the basis of a site with identical constraints; the frontage of the Andersonstown Road and two exits at the rear. The multi-agency report, which is effectively the disaster plan, had elements that allowed for discharge onto the Andersonstown Road. It did not negate the complete use of that.

**Ms McCorley:** It is surprising; I thought that.

You referred to Paul Scott's extra-curricular private work. Could you elaborate on that? What does that mean?

**Mr Southern:** Paul is a well-respected major events crowd safety management expert. I think that he advised for Belfast City Council and advised on the Belfast marathon and a lot of other issues through Sport NI. He also works with a lot of the promoters. I mentioned that only in the context that we were friends and that he trusted my judgement, and, therefore, I gave him technical input on some of that work on an extra-curricular basis.

**Ms McCorley:** Does it strike you as a conflict of interests at all?

**Mr Southern:** I really would not like to comment. You would have to ask him that. It was extra-curricular, outside of Sport NI, as far as I know.

**Ms McCorley:** OK. To go back to the wording used in signing off the planning drawings for the three projects; the same wording would have been used in the three sports, so there would not have been any different terminology used for the Casement project.

**Mr Southern:** No. Do you mean in terms of the assurance that it had the potential to meet the guidance? It is an identical form of words on Ravenhill. Obviously, the reports are more or less identical, but the conclusion and the form of words that underpin that are identical. So, when we saw the same wording again in the email of 19 June, it was fine — good. There was no issue, and we had the Populous assurance through the GAA, so we had a green light.

**Ms McCorley:** No red flags, red lights or anything like that? That is OK. In terms of consistency, Noel Molloy was right to give the GAA approval to submit the plans.

**Mr Southern:** Absolutely; the STG had assured us, and the design team had assured us on behalf of the GAA, that we had a compliant stadium.

**Ms McCorley:** Right, OK. I am just trying to get clarity — I think you have made it clear — that there was no reason to believe that there were safety issues or dangerous aspects to it, and you had the best people employed [*Inaudible.*] I suppose there is only so much you can do.

**Mr Southern:** Yes, absolutely, but I think we did a pretty good job of gilding the requirement through the OJEU procurement and through the criteria to ensure that we got a world-class design team and, likewise, going forward, that we brought a contractor on board with the relevant experience of delivering major stadiums and their safety certificates, because the stadium is no good unless you get the safety certificate.

**Ms McCorley:** There was a triple lock system that would prevent one penny being spent, unless —

**Mr Southern:** Yes, absolutely. It is completely locked in through the stage award process.

**Ms McCorley:** That has to give assurances.

**Mr Southern:** Absolutely; under good governance and in accordance with —

**Ms McCorley:** From that perspective, I can feel assured that, if there are any safety issues, they will get caught somewhere along the line. They will not get past three —

**Mr Southern:** Absolutely. There were very stringent governance processes and stringent technical processes.

**The Chairperson (Mr McCausland):** Within DCAL — we heard from Noel Molloy last week and from you this week — Noel Molloy was quite open in saying that he was not an expert in regard to the red and green guides. I think you have also said today that —

**Mr Southern:** I am a year out of practice.

**The Chairperson (Mr McCausland):** Just a year out of practice in regard to that. Who within that core team would have been the key expert on the red and green guides?

**Mr Southern:** Populous.

**The Chairperson (Mr McCausland):** No, within DCAL?

**Mr Southern:** Within DCAL itself, there is no expert on the red and green guides.

**The Chairperson (Mr McCausland):** So there is no one in DCAL —

**Mr Southern:** Which is why we have the STG.

**The Chairperson (Mr McCausland):** That is right. STG members are there as advisors. You rely on their expertise. Populous is employed by the GAA. Is it not the case, if you are relying on their advice on it, that there is a sense in which it is asking people to police themselves?

**Mr Southern:** In the context of the governance procedures, you can see that the project would not go anywhere anyway, but, to answer your particular question; it is not in Populous's interest to design a stadium that is not safe. That is their bread and meat. That is what they do.

**The Chairperson (Mr McCausland):** Was there expertise there to enable you to scrutinise what Populous had produced, or was that the role of the STG?

**Mr Southern:** Yes. The role of the STG was to bring forward good ideas in the context of the guidance. It was the role of Populous to work within the constraints of the site to produce an exemplar of site-specific design.

**Mr McMullan:** The multi-agency report of 2009, prepared by the police and blue light services, states that 32,500 people could evacuate. After the design of the stadium by a world-class design team, which involved the increase of the exit widths, as I said this morning, by 50%, Paul Scott stated to the inquiry that the emergency exiting capacity was now 18,000. Who has got this wrong: the police or Paul Scott? What is going on when there is an increase of exiting by 50% and then a decrease in numbers by 50%?

**Mr Southern:** The figure of 14,000 to 18,000, which I picked up in the audio transcript, is completely new to me, based on my knowledge of the project up to July 2014. It seems to be something that has come in latterly.

I go back to the fact that the design team gave an assurance that this stadium complied with the red and green guides. Paul Scott applied a rule of 100% sterilisation of the Andersonstown road, despite signing off the OBC without that requirement or any risk of that requirement appearing and despite the fact that the multi-agency report makes no reference to it.

A step that is so fundamental could not have been foreseen, and it was not relevant, obviously, in the context of the previous approvals. Populous has made it quite clear that, as far as the planning application and normal exiting are concerned, the design complies fully with red and green guides. There is no problem: within five minutes you are in a place of reasonable safety, a combined zone 3 and 4 donut of space, which is completely fire sterile. I reiterate that the design process has to be carried forward by the integrated supply team (IST). It is not, therefore, in Paul Scott's gift to say now that the site can only achieve 18,000: the design is not complete, and it has not had the chance to go through the multi-agency further design development leading to the safety certificate. I cannot answer for Paul on that. It is completely left-field from what I could see, and things seem to have degenerated further since I left in July 2014.

**Mr McMullan:** Having listened to the presentations from you and Ciarán, there are traffic lights at every stage, from the OBC case right up to planning to include emergency exiting and all of that. Am I correct?

**Mr McGurk:** At every boundary you would consider the fundamentals.

**Mr McMullan:** Is there anybody in this whole programme from the top to the bottom who would not know what is going on at this stage?

**Mr Southern:** In any aspect?

**Mr McMullan:** Yes. Anybody who is in any way looking in on a meeting or is a member of a group or whatever. All of these stages have been gone through. Can anybody say, "I did not know that"?

**Mr McGurk:** That is a question for those involved in approving the design. The evidence is all there for who was involved at the different stage boundaries and who approved what. Everything is very well documented. I am not sure if that is the answer to your question.

**Mr McMullan:** Would the chair of the STG know everything that is going on right up to planning?

**Mr Southern:** Yes, because he was involved in the process right the way up to planning. The chair of the STG, Paul Scott? Yes, because we had a completely inclusive, four-way dialogue during the period leading up to the planning application, which led to his email of 19 June.

**Mr McMullan:** How much did Belfast council know?

**Mr Southern:** Two members of the safety team from environmental health in Belfast City Council sit on the STG.

**Mr McMullan:** They would know everything that is put together and agreed by —

**Mr Southern:** They would know as much as was fed through, because Paul Scott was the conduit to the STG.

**Mr McMullan:** So, they would only know what they were told, and the only person to tell anybody would be the chair. Is that a fair assumption?

**Mr Southern:** In terms of filtering through the drawings that we were sending through him, yes, I would assume so.

**Mr McMullan:** So, if anybody in the STG did not know what was going on, it was because they were not told.

**Mr Southern:** Yes. As was outlined on Ravenhill, in terms of the process, the step through is that Sport NI receives drawings and proposals regarding the project from DCAL/GAA through the

architects and circulates them to members of the group — so he had to circulate it to the group. A meeting is then convened, and comments received are then conveyed to DCAL. A meeting involving Sport NI, DCAL or the GAA and the architect is then convened, and revised drawings and proposals are then forwarded. So, it was a constant backwards and forwards, backwards and forwards; what about this, what about that. Yes, he was absolutely crucial to that communication line to the STG.

**Mr McMullan:** So, you would expect Belfast council to know everything that is going on right up to planning.

**Mr Southern:** Yes, you would, if you were part of the STG.

**Mr McMullan:** OK. I was a wee bit shocked when I listened to the different aspects of the three stadia. It seems that Casement has been put through a different level. Is that correct? It is supposed to be the same as the other two.

**Mr Southern:** It is certainly supposed to go through the same process. It is a different site and, therefore, obviously it has to be reviewed in its context.

**Mr McMullan:** When did that change?

**Mr Southern:** Somewhere between 19 June and the planning submission and September, because we were not receiving the report.

**Mr McMullan:** What was going on with planning on 19 June when there was this stop in communication or information?

**Mr Southern:** I am at a loss there. I cannot remember exactly what date planning went in.

**Mr McGurk:** It was 19 June.

**Mr Southern:** I will be honest and say that I cannot remember exactly, but that was a key milestone, and it was very welcome. The design had evolved to that stage, and it had gone into the system. The next stage in the development timeline would have been to develop the tender documentation leading to its release to award the most economically advantageous tender, which eventually went to HBJV as it turned out. However, the activity that underpins the emails, that show the discrepancy around that time, was in pursuit of the final report. Why are you not giving us the final report? What is wrong? As I said earlier with the email of 23 August:

*"As you are aware, meetings have taken place on a one to one and there appears to be a consensus that the latest proposals address the exiting concerns."*

That was in August. In September/October — I am trying to recall, Ciarán — there was the consultee process with planning, and the PSNI put something into planning. I cannot remember. However, around that time, things were changing. The dynamic was changing, and we did not know why, naturally; we just knew that it was changing.

**Mr McMullan:** So dynamics were changing. My next question is whether you knew why, but you do not know why. Something happened inside those eight weeks. Am I correct in saying that?

**Mr Southern:** That is a fair assumption, yes.

**Mr McMullan:** If we had adhered to the report with the three stadia, basically, they were all to be the same and, hypothetically, we would not be here tonight at 4.45 pm. Where would be today at 4.45 pm, had we carried on in the way that we should have done?

**Mr Southern:** Ravenhill Park would not have been out of the traps, because the safety management plan was not produced at the point at which they approved it to go to stage boundary 4 to allow the contractor to be appointed. They made clear in their report that that was fine and that it would be developed at the appropriate time — that is the wording that they used.

**Mr McMullan:** Would you just go over that again?

**Mr Southern:** I will give you the exact wording. I will read it all out to you.

*"The Safety Technical Group have noted the design proposals for Ravenhill and consider that the 'completed' stadium would have the potential to be operated in a manner that could enable the Safety Certificate as issued by Belfast City Council to be based on a 'S-factor' of 1, and a 'P-factor' of 1. This would optimise the capacity of the venue."*

Obviously, that was a key benefits realisation. We had to achieve the 18,000 capacity.

*"This of course would be subject to a suitable Management Plan being developed and implemented."*

— i.e. in the future —

*"The safety management arrangements at the fixtures played at the renovated stadium will be monitored, and as stated above will determine the 'S-factor'."*

That illustrates that it is a dynamic process. Even now, if monitored, if there is a safety blip, that could impact on the S factor to this day.

*"The Management Plan should be developed as a matter of urgency to identify management issues that may require minor changes to the design. It is also important that suitable arrangements are in place to ensure that suitable safety management arrangements are provided including the appointment of a Safety Officer with appropriate competence and authority, the availability of an appropriate number of properly trained stewards and suitable communication systems including the provision of trained personnel."*

It is basically:

*"subject to a suitable Management Plan being developed and implemented."*

It states that that was "a matter of urgency" but there was no issue. It was developed over a period of 14 months; there was no issue. During work on Ravenhill, we further revisited the design to improve disabled access. At ISAG's recommendation we put wheelchair accommodation in the standing accommodation because it was felt that that gave more choice. We changed the design again, and we upgraded the design from the red guide in the existing premium stand — this was existing outside the programme, essentially. We made the case to say that the other three stands were green-guide-compliant, so it seemed crazy not to try to do something to improve the standing provision in the existing premium stand. We made a case through optimism bias that this was in the interests of public health and safety and future proofing and was a good investment, and that work happened.

Again, it shows that it is not a done deal either at planning stage or at the appointment of the IST and the contractor. It is something that you can review as you go along, and Ravenhill was a perfect example of that. We achieved the 18,000 capacity, and we raised the bar on existing accommodation to a much higher standard of safety and comfort access for persons with a disability, wheelchair users, ambulant disabled users and families with prams etc. That happened during that 14-month development cycle. Therefore, we could not finalise the management plan and the safety management plan until we had stepped through that, delivered it and gone through that multi-agency approach. As far as I was concerned, that was exactly what should happen and would have happened with Casement Park.

**Mr McMullan:** That is what I was just going to ask you. If that scenario is applied to Casement Park

—

**Mr Southern:** It is exactly the same scenario. Windsor Park will be exactly the same.

**Mr McMullan:** So, we have a situation here now that, somewhere along the line, different arrangements were made for Casement Park than there were for the other two stadiums.

**Mr Southern:** There was a shift in attitude towards the Andersonstown Road, and I do not know why. It was never flagged previously, but it was fundamental. Charles Cooke raised it in minutes and asked

why we did not know about it. The answer came back that the events management plan had been talked about forever, but that was not the case. That disguises the impact of this particular issue. It was not pre-existing. The level of that impact should have been raised in the OBC. The OBC should have said, "There would be serious concerns about exiting in the event of a major incident on the Andersonstown Road, and the project should take account of this". It did not.

**Mr McMullan:** Am I right in saying, from a layman's point of view, that, if everything had been applied equally over the three stadia, Casement Park would have been further on today, and we would not be sitting here?

**Mr Southern:** The JR, obviously, had a fairly major stalling factor —

**Mr McMullan:** Of course.

**Mr Southern:** The contractor was brought in in December 2013. We would have hoped to have progressed the design in the pre-construction phase, but with the possibility of derailing the planning process and the imminent JR happening, everything just ground to a halt. Obviously, it completely ground to a halt after I left. Other factors came into play.

**Mr McMullan:** We talk about a major incident on the Andersonstown Road. All councils have a major incident programme that they adhere to, where they are in the lead and all the other agencies are on board. Every council has that. Would that be part of a major incident on the Andersonstown Road?

**Mr Southern:** I assume so, yes. It would form part of that multi-agency process.

**Mr McMullan:** But nowhere up to planning etc did Belfast council raise any red flags or major showstoppers, as we talk about, in the report.

**Mr Southern:** Certainly not to my knowledge. One of the first stakeholders that we engaged with was the anti-terrorism unit of the PSNI. That was right at the very beginning; it was probably in April 2011. It was probably the first meeting that we had with anybody external. It had absolutely no concerns about a major incident or a terrorism event, even to the point of the fact that there was no requirement for PAS anti-ram-raid bollards.

**Mr McMullan:** None?

**Mr Southern:** Nothing.

**Mr McMullan:** Ciarán, when you talked about every boundary stage, was there anything raised — they use the word "showstopper"? I prefer to use "red flag". Were any red-flag issues raised at any boundary stage from OBC up to planning?

**Mr McGurk:** Not at OBC, not at development cost, letter of offer, and not at planning drawing stage. As Carl said, between planning drawing stage and the sign-off of the appointment of the contractor, it starts to emerge. Obviously, the design is done at that stage, so DCAL deals with that through the funding agreement, and it requires the contractor to pick up that design.

To clarify, under NI public procurement policy, the design up to stage D is done by the integrated consultant design team — Populous, Mott MacDonald etc. It is then handed over to the contractor on its appointment to take it from stage D onwards. It becomes the contractor's responsibility from that stage onwards.

As I said, the Department managed the emerging risk and put it in the funding agreement that the contractor must deliver to sign-off on the STG approval. That is done through what is called an NEC3 contract, which is a standard form of contract for major capital construction projects and is recommended by Achieving Excellence in Construction. In that NEC3 contract, there will be a condition that requires the contractor to deliver, in his design, the full requirement for safety at a 38,000 capacity. DCAL instructs the GAA. It has to do it under the funding agreement. The GAA then instructs, through the contract, the contractor to deliver the final sign-off on safety not once but twice. Once he gets on board and gets his construction notice, he cannot get a penny until he produces evidence from the STG that this is signed off. Prior to the completion of construction, he again comes back to the STG and has to provide that evidence.



**Mr McMullan:** When we talked about the emergency exiting plan, I think that the Populous design catered for the number in the stadium, so all the talk of emergency exiting was covered.

**Mr McGurk:** It would have designed it to a 38,000 capacity. In a similar way to the IST contractor having to build the stadium for 38,000, it would have had a condition that it had to design the stadium for 38,000. When it came forward to the GAA and said, "There is our assurance", it was that it would meet the standard of safety, emergency exiting etc for a 38,000 capacity. So, the GAA also has a contract, which is, again, an NEC3 contract.

**Mr McMullan:** Was its design suitable for 38,000 in an emergency evacuation or exiting situation?

**Mr Southern:** As far as it could determine at that point, prior to handing it over to the IST. The point is that Populous was appointed to assure the GAA that the stadium met the requirements of the red and green guides at the point of planning, which is effectively a notional design freeze in its general arrangement, massing, general structural arrangement, the way it looks, the materials that planners would be interested in and its amenity value to its area. HBJV would have satisfied itself that it was comfortable to take on that project under contract and deliver it in accordance with the NEC3, as Ciarán said. So Populous assures the GAA that this is deliverable. HBJV takes that on board. It would not be wise to take on a project that it did not think it could deliver. It took that on; it was a commercial decision, and it was bound, under contract, to deliver that.

**Mr McMullan:** There are clawbacks in those —

**Mr Southern:** Yes, absolutely.

**Mr McMullan:** — of any fees or money earned, so it would be financial madness.

**Mr Southern:** From memory, I think that HBJV indicated that it saw no problem with delivering the project.

**Mr McMullan:** OK. Thank you very much.

**Mr B McCrea:** Mr McGurk, is going for planning one of your thresholds?

**Mr McGurk:** To sign off on the planning drawings? Yes.

**Mr B McCrea:** Did the Department sign off on the Department drawings?

**Mr McGurk:** Do you mean did it sign off on the GAA drawings?

**Mr B McCrea:** Yes, the GAA drawings.

**Mr McGurk:** Yeah, Noel Molloy would give the approval to proceed to the next boundary stage.

**Mr B McCrea:** When did he give that sign-off?

**Mr McGurk:** I assume on 19 June, the date on the email sent from Paul Scott.

**Mr B McCrea:** At what time did he give the sign-off?

**Mr McGurk:** In the day?

**Mr B McCrea:** Yes.

**Mr McGurk:** As in hour?

**Mr B McCrea:** The hour and minute.

**Mr McGurk:** I would not know, to be honest.

**Mr B McCrea:** You were aware of the date and time that you got an email from Paul Scott.

**Mr McGurk:** I just have the date, not the actual time.

**Mr B McCrea:** The date was 19 June.

**Mr Southern:** 10.46 am.

**Mr B McCrea:** So, he signed off at 10.46 am on 19 June, the project director was able to sign off for planning and the GAA was able to get the planning in all on the same day. Is that what you are telling me?

**Mr McGurk:** Totally correct.

**Mr B McCrea:** You are to be congratulated on your ability to manage things minute by minute.

**Mr McGurk:** The planning drawings were ready to go. They were awaiting the STG sign-off, so it all makes sense that Noel Molloy would get the sign off from the STG. He would then inform the GAA. The GAA would then take the files that are ready to go and deliver them to Planning.

**Mr B McCrea:** So, are you telling me that in the previous cases of Windsor and the Kingspan, there were reports that used the same wording that was in the email, and that is why you relied upon the email?

**Mr McGurk:** I did not say that I relied on any email. Carl would have covered that. What was the question?

**Mr B McCrea:** Is it the case that you were satisfied that the email was sufficient because its wording was identical to the report that was signed off?

**Mr McGurk:** Well, you have to ask Noel Molloy that, but, from where I am standing, yes; he was content that the wording was sufficient to allow the release —

**Mr B McCrea:** I am going to come to Mr Southern about this. I am just checking your role in the matter of trying to guide through with the financial constraints, such as state aid, and all of the other issues that you would have looked at. I presume that there would be some financial implications in moving across a threshold.

**Mr McGurk:** Not in relation to the planning drawings, for which the design fees are already expended at that stage. The next stage, appointing the contractor, has a huge financial implication. That would release the funding agreement for the further £x million to cover the cost of the contractor's work.

**Mr B McCrea:** Are you aware of the permanent secretary, Rosie Flanagan's, stipulation about how we might do sign-off, mainly, I think, for Windsor? Were you aware of that email?

**Mr McGurk:** Remind me of it, please; I do not have a copy.

**Mr B McCrea:** Just give me a minute. It is dated 8 October 2012.

**Mr McGurk:** May I have a copy?

**Mr B McCrea:** Certainly. Are you aware of that email?

**Mr McGurk:** I need to read it first. Please give me a second.

**Mr B McCrea:** Are you aware of the letter?

**Mr McGurk:** I remember the basic contents, which require the STG to sign off prior to any boundary approval.

**Mr B McCrea:** What do you think that:

*"all relevant and reasonably foreseeable safety scenarios"*

means?

**Mr McGurk:** Sorry, what paragraph are you at?

**Mr B McCrea:** It is highlighted in green, over the page. The Department is to ensure that:

*"all relevant and reasonably foreseeable safety scenarios"*

are considered.

**Mr McGurk:** I assume, based on the standard wording used for the other projects, that the meaning is that the STG will consider all scenarios and the Department will make the decision to approve or not, based on the wording used by the STG.

**Mr B McCrea:** We have it on the record this morning from Belfast City Council that the PSNI said that a bomb or suchlike on the Andersonstown Road was reasonably foreseeable.

**Mr McGurk:** Did they said this prior to the approval of the planning drawings?

**Mr B McCrea:** All am I saying is what they said today: I am just talking about what is reasonably foreseeable.

**Mr McGurk:** Did they feed that through the STG? That was the process in place.

**Mr B McCrea:** I know that it is quite nice to answer a question with a question. All I am saying to you is —

**Mr McGurk:** I need to know the answer to that before I can give you an answer. Did the PSNI confirm that with the STG, because I cannot answer —

**Mr B McCrea:** You said earlier that you like to talk in layman's language, because it is easier. Let me tell you, in my version of a layman's language, that I can envisage people who are not very constructive in our society wanting to disrupt the grand opening of the GAA stadium or some big match. I can see somebody, somewhere in our society, being stupid enough to go along and hide bombs in multiple places or make bomb threats. It is regrettable, but I do not think it is beyond the bounds of imagination. I put it to Mike Trice of Populous at the last meeting, and he concurred that it was reasonably foreseeable. Would you consider that to be reasonably foreseeable? Never mind what the police say.

**Mr McGurk:** I will focus on process, as I said in my introduction. The answer to your question is: if the PSNI had those concerns — give me a chance to finish, please — it would be required to put them to the STG, which would, in turn, put that comment to DCAL, which, in turn, then decides whether to press the green light at the time of submission of the planning drawings. That is the process.

**Mr B McCrea:** You say that you want to talk to me about process, because I think we have accepted that is reasonable. I am looking at a memorandum of understanding between the Department of Culture, Arts and Leisure and the Ulster Council of the GAA. Were you ever involved in, or did you ever attend, any of those meetings?

**Mr McGurk:** Of the project board? Some of them.

**Mr B McCrea:** It does say that you were there as project manager. It suggests that the DCAL representatives have a list of responsibilities.

**Mr McGurk:** May I see a copy of this document, please?

**Mr B McCrea:** It is your document: it is the departmental —

**Mr McGurk:** I have left the Department and have not read that document in six months, at least.

**The Chairperson (Mr McCausland):** Somewhere in the large brown box of papers it will be. Maria will bring it down to you.

**Mr B McCrea:** It is that point there. I am looking at page 7. It is the responsibility of the DCAL representative, and, on that departmental project board, that was you. Can you explain to me whether the project board is an important body? Does it make decisions?

**Mr McGurk:** In terms of the structures, there is a sponsor board, a programme board, and three individual project boards: one for rugby, one for soccer and for GAA.

**Mr B McCrea:** What does the project board do?

**Mr McGurk:** The project board operates at the project level and directs the project on a day-to-day basis.

**Mr B McCrea:** Yes. You attended that project board on a number of occasions?

**Mr McGurk:** Yes.

**Mr B McCrea:** What type of contribution would you have made? I am sure you cannot remember word for word, but what sort of thing would you have offered?

**Mr McGurk:** Financial appraisal, comment on spend, management of the budget, state aid approvals, blah, blah, blah.

**Mr B McCrea:** Would you have liaised with other DCAL staff or advisers to coordinate legal, financial and technical support?

**Mr McGurk:** I am sure I would, yes.

**Mr B McCrea:** Would you have provided technical audits for compliance with best practice on technical and regulatory guidelines?

**Mr McGurk:** No.

**Mr B McCrea:** Would anybody from DCAL have provided that?

**Mr McGurk:** Technical audits for compliance with best practice on technical and — I will let you answer that one, Carl, from a technical viewpoint.

**Mr Southern:** Can I just read that? Is this from a monthly project board?

**Mr McGurk:** The context is the steering group, actually.

**Mr Southern:** Right. Are you talking about a steering group or a project board?

**Mr B McCrea:** Go to the front of the document. It is a memorandum of understanding between the Department and DCAL. It is signed off by the permanent secretary, Rosalie Flanagan.

**Mr Southern:** Can I just explain my understanding? The project board is chaired by the SRO. The project steering group is managed by the project sponsor. Which one are you talking about?

**Mr B McCrea:** I am talking about the document that is in front of you. I want to know if anybody in the project board — which I think I established was the thing that looked after the project, and I was originally talking to the project manager but, you know —

**Mr Southern:** Ciarán deferred to me on a technical matter.

**Mr B McCrea:** All I want to know is that somewhere along here, somebody is giving departmental advice on technical and regulatory guidelines, which I would have thought would include the regulations on safety at sporting areas. I wonder if anybody gave any advice.

**Mr McGurk:** You are aware that this is a document that would have been set up to govern the programme in advance of the particular funding agreements and so on. At that point in time, when the design team and the contractor come on board, the framework for how it works is covered within the funding agreements for the project.

**Mr B McCrea:** I have —

**The Chairperson (Mr McCausland):** Basil is talking about the memorandum of understanding. Is that now defunct?

**Mr McGurk:** I am saying that it is superseded by the —

**The Chairperson (Mr McCausland):** Well, it has been superseded by something else.

**Mr McGurk:** — funding agreement. Legally, if one was to say there was a dispute around, for example, a certificate or a claim or whatever, one would refer to the funding agreement as the bible, for want of a better word.

**The Chairperson (Mr McCausland):** We have the date of when the memorandum of understanding started. What date did it finish? It was superseded, to be precise. This is the first time that it has been mentioned, so it is important that we are clear.

**Mr McGurk:** The date on it is 17 August 2012. Obviously there will be other versions that supersede this one, so I do not —

**Mr B McCrea:** What do you mean by "obviously" there would be?

**Mr McGurk:** Say, for example, someone leaves the project, so there is a change of whatever, it would have to be updated. Likewise if there is a new governance arrangement.

**Mr B McCrea:** Let us move on a little bit. We will put that down. I think the Department was responsible and that you said that there were risk assessments at every threshold, and it talks about risk. There are terms of reference and other bits, and we could look at all of that. I just want to deal with the issue about the email in August. Maybe Mr Southern should answer that: you felt that there was something of an omission from that because Mr Scott had not put it in his papers. Is that correct? I do not have a copy of it.

**Mr Southern:** I cannot say. I received this through the pack that you received through DCAL this morning.

**Mr B McCrea:** OK. Does the email in August that you quoted deal with exiting arrangements or emergency exiting arrangements?

**Mr Southern:** It deals with the exiting concerns that underpinned the 19 June submission that allowed it to go to planning, on the basis that the future development was not in the gift of Populous but in the gift of the IST, going forward, throughout the construction period.

**Mr B McCrea:** I do not mind who answers this: when would the GAA have had a letter of comfort from Populous that their designs were going to meet whatever?

**Mr Southern:** Bear with me a moment. I do not know whether I actually have a date, but it does reflect one. I referred to it earlier; I am just trying to find it. There is an email in existence. On 13 June, there was an email from Populous, confirming that the stadium met all requirements. I do not have it to hand, I am sorry, but there is such an email from Populous.

**The Chairperson (Mr McCausland):** In June 2013?

**Mr Southern:** Yes.

**Mr B McCrea:** Does it not seem to you a rather modest way of confirming that you are about to be putting in for planning permission? You are relying on just an email from Populous?

**Mr Southern:** Emails are acceptable under NEC3 contract. It is a perfectly good form of communication these days.

**Mr B McCrea:** So, you relied upon an email from Populous, and you also had an email from Paul Scott, but you did not have a report from him.

**Mr Southern:** No. We should have had a report from him.

**Mr B McCrea:** You should. Did that not raise any alarm bells?

**Mr Southern:** No. He was not ready. I mean he just —

**Mr B McCrea:** In the interests of good governance, given that this was such an important issue and that it was already well-known that there might be some objections to planning — there is an email about that too, and we can go through all that — should you not have had something a little bit more robust?

**Mr Southern:** I refer you to the previous point that was made. We had stepped through this process for the stage 4 sign-off for Ravenhill and the stage 3 sign-off for Windsor Park in exactly the same form of words and with the same assurances and the requirement that the management plan should be developed at an appropriate time in the future. So, when we received the email with exactly the same form of words, I think that it was entirely relevant and appropriate. Our view was that that was assurance enough to proceed. We had a sign-off from a world-class design team and from the STG.

**Mr B McCrea:** Both of you gave quite impressive credentials about the learned bodies that you are members of and whatever. I hope that they are actually having a look at the official record of this because I suspect that people will be extremely surprised that we do a project of this magnitude on the basis of one or two emails. Let me ask you a question —

**Mr McGurk:** That is incorrect. Thousands of documents are leading to this and there are pages and pages —

**Mr B McCrea:** I am only a layman in this and am only giving you —

**Mr McGurk:** The email is a final confirmation of the process —

**Mr B McCrea:** I do not see that.

**Mr McGurk:** — not the only document. There was a previous STG report.

**Mr B McCrea:** I am going to come to that in a moment. Let me tell you what both of you have done. I was pretty independently-minded about what way this was going, and you have certainly given me a lot of information to convince me what way I am thinking about things now. I just put that. Let me ask you, Mr Southern, just to check this: at the start of your preamble, you said that you had worked with Mr Scott to help develop the red guide. Is that right?

**Mr Southern:** Yes. I provided technical input on aspects of construction detailing and advised Paul on things like the barriers for the standing provision, which is peculiar to Northern Ireland.

**Mr B McCrea:** Did you have any conversation about whether a pitch should be used for emergency evacuation? Was that not discussed? It is covered in the red guide.

**Mr Southern:** It is covered in the red guide, yes.

**Mr B McCrea:** What does the red guide say about whether a pitch should be used as part of the emergency exit timescale?

**Mr Southern:** The pitch is discounted for the purposes of emergency exiting under the red guide.

**Mr B McCrea:** Why would that be? Members opposite seem to think that this is surprising, given that it is a huge pitch. Why would you discount it?

**Mr Southern:** I would be speaking beyond my knowledge if I advised you exactly why that was enshrined in the original green guide, version four, which informed the red guide. However —

**Mr B McCrea:** It is a fundamental tenet put across by other people who said that the GAA is a huge pitch. For those who are interested, there is a calculation in the green guide for how many people you can get on a pitch of that size. I think that it was the figure that Mr McMullan was looking for earlier. It is very substantial. Why could you not use the pitch?

**Mr Southern:** It is not considered, other than in a one-off, high-impact, low-probability major incident.

**Mr B McCrea:** Where is that in the guide?

**Mr Southern:** That is the contingency planning.

**Mr B McCrea:** I did not see any reference to the contingency position in the red guide.

**Mr Southern:** Sorry, I do not know what you are referring to.

**Mr B McCrea:** This contingency planning that you are bringing up is news to me. I have not seen it documented in the red guide or the green guide.

**Mr Southern:** The multi-agency plan would consider that scenario, in which a major incident requires a different proportionate approach to evacuation. Under normal circumstances, in the context of the calculation of the safe capacity, the pitch is not considered. I am not quite sure why you are referring to that, because it is not advocated.

**Mr B McCrea:** I am taking advantage of having your expertise here as someone who helped to develop the red guide.

**Mr Southern:** There were huge sections of lift from the green guide as well.

**The Chairperson (Mr McCausland):** I will just butt in here and explain something to the witnesses. The issue of the size of a GAA pitch, how many people you can get on to it, the dimensions relative to other pitches and all of that has been brought up by a number of people on a number of occasions. I think that Mr McCrea is trying to get clarity on why it was discounted, given that the size of the pitch is irrelevant if it is discounted anyway.

**Mr Southern:** It is. Part of the guidance is that it is discounted. It is not considered at all, other than in a major one-off incident contingency.

**Mr B McCrea:** I am not seeing that. One of the issues that you brought up and have mentioned repeatedly on the record — I happen to agree with you — is the fact that the absence of the Andersonstown Road, 100%, is a showstopper, a fundamental change that changes the whole prospect of delivery. I am asking you to confirm that you agree with that.

**Mr Southern:** I would agree with it because it had never been tabled previously.

**Mr B McCrea:** Yes, but, if it were to be a relevant factor, it fundamentally changes the viability of the Casement Park project.

**Mr Southern:** Yes, it does.

**Mr B McCrea:** Yes, it does, and we are in absolute agreement on that. Thank you for that.

One of the things that I thought quite interesting from Mike Trice's position was that he talked to us about the difference —

Just before I talk about Mike Trice, let me ask you a question that members opposite have repeatedly asked: why, if we have increased the number of exits or the number of widths, would we have a problem with the number of people? Surely it should be better for something like that? That is a reasonable proposition: the widths of the Andersonstown Road exits were increased.

**Mr Southern:** As were, in the proposal, the Owenvarragh and Mooreland ones.

**Mr B McCrea:** Yes. The lady from Belfast City Council told us that the fundamental difference was that the old stadium had external circulation, which they could take into consideration, but that the new stadium did not. The change in safety was because there was no free movement. Does that sound [*Inaudible.*]—

**Mr Southern:** It could be. The upper terrace area at the back of the standing accommodation is, essentially, still zone 3. Zone 1 is the pitch, zone 2 is the seated or standing terracing and zone 3 is the circulation area that provides the donut of circulation. At Casement Park, on the Mooreland side, you have a high-level area that is, essentially, zone 3. Zone 4 is, effectively, a donut of space outside the stadium, and zone 5 is the greater street and would include car parking. You might have had a large apron of car parking at the Maze. So it is —

**Mr B McCrea:** Could —

**Mr Southern:** Sorry, if I may, I will clarify. The open-area scenario on the existing stadium is a quasi-zone 3/4 space. That is the way in which Populous had designed the final encompassed interior environment of the proposed stadium — combined zone 3/4 space — and he referred to that.

**Mr B McCrea:** I am looking at a letter from Populous to the GAA dated 7 April 2014, which states:

*"The constraints of the site dictate that it is not feasible to provide a zone 4/5 within the site as described by the Green and Red guides."*

Therefore, there is no zone 4 or 5. Then we get to the nub of this: when I asked Mike Trice from Populous about it, he maintained that position but said that the concourse could be considered as a comparative place of safety. Is that your position?

**Mr Southern:** Absolutely, and he qualified that by saying that, in the context of this project-specific design, that donut of circulation concourse is a fire-sterile place of reasonable safety that can be accessed within five minutes.

**Mr B McCrea:** When I asked the lady from Belfast City Council, Ms Brown, about it, she said that the problem with the concourse is that there is no free movement. These things, reservoirs, can be used only if they are part of a circulatory movement. Mike Trice said the same. She said that the problem with the concourse is that there is no free movement. That would not permit that to be used as a comparative place of safety.

**Mr Southern:** There is free movement if you are proceeding through an exiting structure.

**Mr B McCrea:** Not if all the Andersonstown Road exits are blocked.

**Mr Southern:** That is correct, of course, yes.



**Mr B McCrea:** Just for your information — I will just check whether you are familiar with it — the green guide states:

*"Where reservoir areas are used as part of an exit system, their capacity should be calculated on the basis of the appropriate rate of passage".*

In the analysis, they say, "Do you know what? You still do not have any more exiting because the exits are no different."

We talked about whether there was a calculation for the emergency evacuation time. I know that this was not during your tenure — you had left by then — but, if I said to you that there were emergency exiting scenarios in excess of eight minutes, would that concern you?

**Mr Southern:** It depends on the scenario: are you referring to emergency exiting in a fire or to emergency exiting in a one-off, high-impact, low-probability incident outside the ground that would take out the Andersonstown Road. Which scenario are you referring to?

**Mr B McCrea:** I am referring to any scenario of more than eight minutes. I am referring to a report by Tenos on the emergency evacuation time. It was issued on 26 November 2014 and states that, if the south-east or south-west corner stairwell — just one stairwell — were unavailable, the time would increase to nine minutes.

The report also considers the north stand, the Andersonstown Road exits. It states that, if only 25% were unavailable — this is not the doomsday scenario of 100% unavailability because 75% is still available — the time would increase to 10 minutes.

The report goes through all these issues. The report is dated 26 November, just before we hoped that there would be a judicial review and that we would get into construction pretty quickly. Does it cause you any concern that the emergency evacuation models being run show that the time taken range from 29 minutes in the worst-case scenario to nine minutes with just one stairwell is unavailable? Are you concerned about that?

**Mr Southern:** I would like to qualify my answer by the fact that that was after my time. I have not read that report and I am not clear about what context you are referring to. Is that the discounting of exiting in a normal fire exiting situation or is it in a one-off incident that takes out particular —

**Mr B McCrea:** I realise that you have not seen it, but all I can do is read you the title, which is 'Casement Park Belfast: Emergency Evacuation Time Calculations', published by Tenos on 26 November 2014. I am happy to show you the document, but that is the problem. That is a page supplied. I think we have the entire report, but you cannot get 38,000 people out of that stadium in less than 29 minutes if there are no exits available on Andersonstown Road. That is what that is telling me.

**Mr Southern:** If there are no exits available on the Andersonstown Road.

**Mr B McCrea:** That is what that is telling me, and that is correct. Would that alarm you?

**Mr Southern:** If I can just put it into context, what you are referring to states:

*"The calculation of EET",*

— I do not know what the acronym stands for; it must be estimated emergency time —

*"for fire makes no allowance for phased evacuation or use of the pitch. Whilst the Red and Green guides recommend against pitch evacuation in the calculation of emergency evacuation for newly constructed grounds, its use in the context of contingency planning would be sensible as it will provide an obvious, and readily accessible safe holding area ... The main benefit of using the pitch would be to control the crowd build up on the concourses ... There would be little reduction in the overall evacuation times because the rate at which people can leave the stadium is ultimately".*

That is in the context of a contingency. It is a different —

**Mr B McCrea:** Anybody who is looking for a safety certificate for Casement Park needs to understand that what is different between Casement Park, Kingspan and Windsor is that 72% of the people in Casement leave through one side. All new stadia — for preference, you were talking about the Maze — would prefer you to have 360° access.

**Mr Southern:** That is correct.

**Mr B McCrea:** You are putting a big new stadium into a small footprint with no external circulation. We could go through the issue. You can only hold them in a reservoir if they have direct access to a place of safety, which they do not. That is the issue that our design people have to go and attest to.

**Mr Southern:** Can I come back to you?

**Mr B McCrea:** Of course you can.

**Mr Southern:** Number one, that is in the context of a contingency plan. Your contention is that the design does not work, essentially. It does not work in the context of an OBC that did not recognise that the Andersonstown Road should have been discounted, because the proposition now is that the Andersonstown Road should have been completely sterilised for the purposes of all exiting, whether it is fire or emergency exiting in a contingency situation, which obviously has a fairly fundamental bearing on the approach to the project.

If you could bear with me a moment while I gather my thoughts. I am not quite sure exactly what the context is for the piece that you have given to me. The use of the pitch is discounted, and they refer to that in the context of the red and green guides under normal evacuation, but, in a contingency situation, you would have a balancing S factor allowance and approach through the management solution, which would take into account stewarding, management plans, liaison with interagency liaison etc, so it brings in a completely different set of rules.

**Mr B McCrea:** We are in agreement on that, but that is the point —

**Mr Southern:** I am just not sure what context that is in. It is slightly confused, because it talks about the red and green guides recommending against pitch evacuation, which is true, but it also talks about contingency in the context of how contingency planning would be sensible, so I am not quite sure what it is arguing for. However, the fact is that the complete discounting of the Andersonstown Road was never on the agenda. It was never mentioned in the OBC.

**Mr B McCrea:** Let me tell you this: if it was not on the agenda before, it is on the agenda now. You cannot build a stadium if you cannot get people out safely.

I want to ask you about an email that you sent to Paul Scott on 20 September. I just want to know what you mean by this. You might want to find it.

**Mr Southern:** Is it in his pack?

**Mr B McCrea:** Yes, it is on page 58 of his pack. It is 20 September. I want to start with this point and work through it, because this is where there is an issue. It states:

*"As you know, the input from the STG and its reporting is a key element in the Programme's overall design quality and 'fit for purpose' assessment and therefore must be robust and evidence based."*

**Mr Southern:** I am sorry, Basil, but I cannot find it. Page 58 does not have that on it.

**Mr B McCrea:** It is on page 58 of Paul Scott's papers. I am happy to share the email with you.

**Mr Southern:** Do you know what date it is from?

**Mr B McCrea:** It is from 20 September 2013. It is to Paul Scott from Carl Southern.

**Mr Southern:** Yes, sorry, I have got it.

**Mr B McCrea:** Explain to me what you mean by that email. It was sent at 4.41 pm. It says:

*"As you know, the input ... Programme's overall design quality and 'fit for purpose' assessment and therefore must be robust and evidence based."*

Why would you put that?

**Mr Southern:** It is in the context of my review. It was fairly quick-fire, and I gave initial draft comments, which is what that is. It is in the context of a review of the draft plan, which I think is this thing next to it where I have said "CGS review". I am still not entirely sure how this came into Sport NI, but, as you read through it, you can see that, from page 1, it does not mention the crowd-modelling exercise that we went through on fire exiting. Considerable moneys were spent on that, but it does not mention it. I cannot read some of the highlights; they are blocking out the text. We felt that there was superfluous language due to location constraints. The paper states:

*"Due to concerns expressed by residents in the area regarding 'shadow' issues, traffic congestion etc the design height of the proposed stadium was lowered".*

That was not for this report. That was a planning issue. The paper states:

*"Members of the DT and of the STG are —"*

I cannot read the word but it is probably "unaware".

*" — of any stadium either 'new build' or 'existing' of similar size in Great Britain."*

I have said that it "suggests lack of available data" and by that I mean be evidence-based and tell us what it is. Unfortunately, I cannot read some of it.

**Mr B McCrea:** I can read you some of it. This is on page 28 or 29, but since you are going through it, this is towards the end. It says:

*"The exiting arrangements for the proposed stadium have been particularly challenging and as stated in the body of the text neither the STG or the DT are aware of any stadium where there are similar arrangements".*

It goes to say:

*"The STG has not been advised of the emergency exiting arrangements ... It is important that suitable emergency arrangements are devised as soon as practicable".*

This is a fairly substantive report, and, if you go through the email trail, you will see that the STG is surprised at your assertion and wants to know why this is new information and why it had not seen it before. The STG argues that it had been bringing that up repeatedly at meetings and in emails with you. Why were you surprised that it had a problem with the emergency exiting scheme?

**Mr Southern:** Sorry, I could not track where you were. Can you point out the paragraph? Is it in the conclusions section?

**Mr B McCrea:** It is in this pack that I have. We will go back to the last two pages of the project.

**Mr Southern:** The report?

**Mr B McCrea:** The report. It is in the conclusions.

**Mr Southern:** OK. Which paragraph?

**Mr B McCrea:** We can go through it all, but let us start with the conclusions. It says:

*"The largely residential profile of the area, the largely 'land locked' nature of the site, the topography and the limitations of the existing transport infra structures will have a very significant impact on the design and operating considerations."*

**Mr Southern:** Correct.

**Mr B McCrea:** Yes, fact. You move on through that. Turning over, at page 48 it says:

*"The exiting arrangements for the proposed stadium" —*

This is the fifth paragraph down.

**Mr Southern:** It says:

*"The exiting arrangements for the proposed stadium have been particularly challenging",*

which is a statement of fact,

*"and, as stated in the body of the text, neither the STG nor the design team (DT) are aware of any stadium where there are similar arrangements to those proposed in the drawings submitted."*

Correct. That is a statement of fact. They were challenging, and we spent a considerable fee on commissioning additional virtual crowd-modelling to demonstrate the exiting plans.

**Mr B McCrea:** You drew me on to the report. I was just dealing with the email that you sent.

**Mr Southern:** Yes, but it is in that context.

**Mr B McCrea:** You said:

*"Noel and I have reviewed the report independently and have identified a number of significant issues in terms of factual correctness, grammar"*

— that seems strange —

*"relevant content and assumptions-based comment".*

**Mr Southern:** Yes.

**Mr B McCrea:** If I take you further forward, Paul Scott replies:

*"I am surprised at your comments re the content of the STG report, and would be happy to discuss same".*

If I bring you further forward you suggest:

*"we review comprehensively on a page turn to save time."*

You go through all this, and Paul Scott comes back again, saying:

*"I have spoken to some of the members of the STG (not all were available). Those available also expressed surprise at the content of your last emails."*

There seems to me to have been a fundamental breakdown of a body whose sole reason for being was to provide expert advice to the Department on the red and green guides — expertise that Mr McGurk has already said did not exist in the Department. I am saying to you that there were red flags galore; there was an entire set of bunting. This was not just some mistake. The documentary evidence is clear and concise. You were trying to shoehorn a 38,000-seater capacity stadium into an old site with only one major exit, and it was bound to cause problems —

**Mr Southern:** No, three.

**Mr B McCrea:** I have not finished yet. If it was not brought up in the outline business case, it should have been picked up at some stage in the process.

**Mr McGurk:** It was.

**Mr B McCrea:** I am not saying that it cannot be done; I am just saying that it needs to be looked at. Well, I have not seen any —

**Mr McGurk:** It is in the funding agreement.

**Mr B McCrea:** The only thing that I have seen, Mr McGurk, is that you were relying on, "If they cannot build it, we will sue them, because they have professional indemnity."

**Mr McGurk:** No. There is a pre-construction, a condition precedent, in the funding agreement that requires the contractor to come back and evidence all these issues prior to getting a penny for the Casement project. At this stage, in September 2013, all the design is done to planning stage, so the money is spent. These comments come after that. The contractor comes next. GAA has a funding agreement, and it in turn has a contract with the contractor requiring him to address every single issue that you have raised before getting a penny. If the contractor does not do that, the project will not start. That does not address the issue of the £4 million or so spent up to that point. It addresses the issue of ongoing cost.

**The Chairperson (Mr McCausland):** I will just make one observation. That does not resolve the problem, though.

**Mr McGurk:** I am not saying that it does. I am saying that it picks up the issues that are addressed in these emails and manages the risk.

**The Chairperson (Mr McCausland):** But it could be getting to the point where there is no way of resolving —

**Mr McGurk:** There is never a time when you would not abort a project, regardless of how much you have spent on it, if there is a fundamental problem.

**Mr Cree:** Mr McGurk, in your evidence you pointed out — I think you were going to cover the ground again — that as no managing issues were raised about exiting in the outline business case, you were happy enough to move on.

**Mr McGurk:** I was not happy enough to move on. Whoever was in charge of the project at the time was happy to move on.

**Mr Cree:** I am going by your demeanour. You went on to say that the GAA would appoint designers for the scheme — quite right — and that they would have to ensure that emergency exiting and everything else was correct.

**Mr McGurk:** Yes.

**Mr Cree:** Then by way of an underscore you pointed out that the GAA would get no money unless everything was OK.

**Mr McGurk:** Could you repeat that point, please?

**Mr Cree:** The GAA would get no money unless everything was OK anyway.

**Mr McGurk:** Yes.

**Mr Cree:** I know you are a man of process, but is that not complacent to say the least?

**Mr McGurk:** What I am saying is that, up until stage D, the approval was given at OBC for spend on the design fees. So, the designers go off, design up to stage D, which is the £3 million or £4 million or whatever spent at that stage. Issues then emerge, which are fed to the contractor who in turn does not get the funding until those issues are resolved. What I am saying is that you obviously cannot do anything about the money that is committed at that stage, in terms of design, as triggered by the previous approval. What you can do now is manage that risk, in the form of the funding agreement, through the conditions of the contract that will manage this.

**Mr Cree:** Again, you are a man of process, and you are demonstrating that very well. Is it not perhaps lacking in due diligence that you do not pick up, or somewhere along the line, you start to get into the fact that these emergency issues have to be dealt with at design stage. If they were not in the OBC, then they have to appear very quickly.

**Mr McGurk:** The point is that they were not raised, as Carl pointed out, until after the design was done in terms of stage D.

**Mr Cree:** When was that?

**Mr McGurk:** Around June 2013, I assume.

**Mr Cree:** There are quite a lot of references here about the problems. I do not want to go through them all. For example, the Chair referred to the plans for Casement Park which Populous produced. They were dealing with emergency exiting and talked about access to Owenvarragh and knocking houses down, perhaps. Was that not a warning?

**Mr McGurk:** What date is that, sorry?

**Mr Cree:** It is the one you talked about: 10 May 2014.

**Mr McGurk:** That is a year later. That is after the planning —

**Mr Cree:** It is sitting there because you still have it open, right? There are quite a lot of others. If you go back to one particular thing, and Carl, you might be interested in this too, there was a meeting with DCAL — I do not know whether it was on site — on 16 October 2013 about Casement Park. There is quite a lot of detail. It is in tab 8 of the DCAL papers: issues raised by Populous, to whom you have given great credit. "Mr CC", Charles Cooke, was asked:

*"re progress on the exit routes being widened at the points identified."*

Clearly, it was then a live issue.

**Mr McGurk:** Again, that is after the planning drawings were complete.

**The Chairperson (Mr McCausland):** When did the planning get put in again?

**Mr McGurk:** June 2013. So, what I am saying is that we recognised the issue, and that is how it is managed, through the —

**Mr Cree:** Yes, but the ball is in play here, to use one of my analogies. Look at the programme board meeting on 18 December 2013 at tab 10. Antoinette McKeown is on record as advising that:

*"there are different interpretations of the ... Guides and therefore further discussions are required to resolve any issues."*

That was a long time ago.

**Mr McGurk:** That again is after the planning approval. There is no further design work agreed with the ICT.

**Mr Cree:** Yes, but that is process; I am talking here about common sense coming into play.

**Mr McGurk:** This is fact. This is based on the funding agreements and the legal agreements. You cannot ask —

**Mr Cree:** It does not matter. Common sense has got to come into this.

**Mr McGurk:** Sorry. There is a live planning approval. You cannot go back to the planners and say: "By the way, I am changing that that and that." You can do that as an amendment, subsequent to the planning.

**Mr Cree:** You can.

**The Chairperson (Mr McCausland):** Can I just clarify that? Are you suggesting that there are no instances where people make a planning application and then amend it while it is in the system?

**Mr McGurk:** That would be Populous's decision: it is up to them whether they would want to amend the planning application. I have not got the chain of correspondence. They obviously make a decision as to whether it is necessary at that stage.

**The Chairperson (Mr McCausland):** Obviously not.

**Mr McGurk:** This is the very relevant point: it is all post submission of the planning application. So why did these comments not come earlier, either pre-planning or, more importantly, at outline business case stage?

**Mr Cree:** You can speculate, but the reality is that they are there now and you have to address them.

**Mr McGurk:** Yes, totally, and that is why it was managed through the funding —

**Mr Cree:** Let us go to the next one. There is a record of a meeting on 13 February 2014, at tab 12. Antoinette McKeown, Paul Scott, you and Carl Southern were there. It is clearly on the record here: accepted that DCAL's focus had been on securing planning permission at all cost. It then goes on to confirm that they knew that there was an issue with emergency exiting.

**Mr McGurk:** Again, this is after the planning submission. There is no contract with anybody at this stage to do design. It is the contractor's job, at this stage, under the NI PPP procurement approach to design the rest of this. Under the funding agreement, he is not —

**Mr Cree:** Can I just ask what action was taken to —

**Mr McGurk:** Let me finish. Under the contract, the contractor cannot touch the design, because there is a 90-day Alcatel period —

**Mr Cree:** You are still giving me the process.

**Mr McGurk:** — in relation to the JR, which expires in March. This is February 2014 —

**Mr Cree:** You are still giving me the process. What I am asking you, if you make such an issue on that one, is this: what action was taken following that meeting with the contractor?

**Mr McGurk:** After that meeting, there was a letter from Paul Scott two days later, in which he basically says, "These are the issues that may help in addressing emergency exiting", and blah-blah. That is passed on to the contractor —

**Mr Cree:** What date is that?

**Mr McGurk:** It is 17 February. Again, no red flags or whatever were raised. The letter states:

*"I would like to confirm that Sport NI offers its' ongoing support for the development of a new stadium at Casement Park that will provide safe and spectator friendly facilities".*

In other words, if I were Paul Scott, I would be standing on the roof of City Hall saying, "Stop".

**Mr Cree:** I will hold you there; you are waffling on. On that —

**Mr McGurk:** I am not waffling. Does that say "Stop"?

**Mr Cree:** I am asking the questions, if you do not mind. On 17 February, which is the letter that you refer to, you have to read on. It refers to three options that should be considered. The first is to increase the width of exits, the second is to provide additional exits, and the third is to maximise the area of relative safety in the ground.

**Mr McGurk:** All three of those were passed to the design team and the contractor. The contractor met Paul Scott and the STG over the next four, five or six months. You probably heard Oran say last week, "I discussed this with Paul Scott. In my view, down the line, houses are not required and land is not required". He is carrying the risk. He has 55 million to 70 million reasons to get this right. If he does not think that houses or land are required, he is carrying a significant risk.

**Mr Cree:** Is he the one —

**Mr McGurk:** As I explained to you — it is back to process — if he does not get the money —

**Mr Cree:** Is he going to give you the certification that you need?

**Mr McGurk:** Sorry?

**Mr Cree:** Is he going to give you the certification that you need?

**Mr McGurk:** Yes. He has to, under the funding agreement. This is why process is so important.

**Mr Cree:** Has he done that yet?

**Mr McGurk:** No. He does not have his construction notice yet, so he cannot do that.

**Mr Cree:** Will he ever do it?

**Mr McGurk:** We do not have planning approval at the moment. He will do it once it is required.

**Mr Cree:** That —

**Mr McGurk:** You cannot avoid process. This is why process is so important. He has to provide confirmation to the STG, including Paul Scott, whether or not this meets the mark.

**Mr Cree:** Do you not agree with me that emergency exiting has been highlighted here for some time?

**Mr McGurk:** The person who is now responsible for sorting this out is the contractor, because nobody else can do it. Nobody else has the contract. I am talking hypothetically because the planning has gone, so it is all back to the design team again. At this point, the contractor is waiting for the green light. Once the JR goes, if the planning stays on the table, the contractor steps in and says, "Right, I don't need houses" or "I do need houses, and I will address this". If he does not, the contractor does not get a penny.

**Mr Cree:** Surely it would have made an awful lot more sense if that been thought out and discussed in a rational manner at the beginning or as early as possible.

**Mr McGurk:** That is correct.

**Mr Cree:** I think that I have got as much as I can.



**Mr Dunne:** Thanks, gentlemen. A lot of the ground has been covered. I have been going on for some time about the drawings — I am sure that you have probably picked up on it — in various evidence sessions. Will you detail again what level of design would have come forward? The operational design was mentioned at previous meetings. What level of design would come forward in the drawings?

**Mr Southern:** The operational design by the contractor?

**Mr Dunne:** Operational design was mentioned by the architect who was in the other day: Mike Trice. He said that the drawings that went forward for planning approval were of operational design standard.

**Mr Southern:** Are you quoting him?

**Mr Dunne:** I am indeed. I have written it down.

**Mr Southern:** My interpretation of "operational design" — I am not contradicting Mike Trice; it is a question of interpretation — is that the operational aspects of the design delivery are with the design and build contractor. That takes into account the physical design — the size, layout, space, exit widths etc — and the safety management plan. The two things are hand in glove; you cannot deliver the safety management plan without that balancing human factor. I cannot speak for Mike, but, at the stage of the planning approval, which is the old RIBA stage D scheme design, you have essentially described the project in its fundamental notional working layout of a plan and general arrangement, section in height and massing, elevational treatment and the way in which it deals with overshadowing, lighting etc, and siting in its wider context. That is adequate for planning application at that time. I cannot comment on the fact that he said that it was suitable for operational design. What I can comment on is the fact that they had gone through a rigorous review of the concourse design —

**Mr Dunne:** They had?

**Mr Southern:** Yes. To ensure that it works under exiting —

**Mr Dunne:** At that stage?

**Mr Southern:** Yes, we are talking June 2013 for the planning application.

**Mr Dunne:** That is right.

**Mr Southern:** At the end of April 2013, we went through very detailed virtual crowd modelling, which was presented to Belfast City Council's fire engineering department. It was in its building beside the Waterfront. I remember it well. We went through scenarios, and, during that meeting, Paul Scott requested additional scenarios to test the country-bound or city-bound flows in the project. That underpinned that design.

**Mr Dunne:** Mr McGurk talked a lot about assurance, and I will ask about that later. I am sure that you and Mr McGurk got assurance that the design that went forward was compliant with the green guide, the red guide or both.

**Mr Southern:** We were given assurance by Populous, through the GAA, that it was capable of meeting the green guide and the red guide, as far as the design had progressed. It is really important to appreciate that, within this procurement methodology, the design team appointed directly to the GAA can take the design only so far. That design is then novated and transferred to a separate design team, with a contractor who then brings in buildability, supply chain management and technical expertise to ensure that, for example, the finished size of a column, which is a notional size on the planning drawing, will actually allow the physical width to get so many people per square metre through it. To qualify that, there is a piece of paper in the pack somewhere where I agreed with Paul Scott to ensure that we protected the absolute critical dimensions within the concourse design to ensure that they were transferred through to the contractor, and they were enshrined in the contract to ensure that they could not fiddle with these absolutes. That was part of the process

**Mr Dunne:** You had assurance, and you got that assurance from the integrated project team (IPT).

**Mr Southern:** The ICT?

**Mr Dunne:** Yes, different departments call it different things; the ICT. You got that assurance.

**Mr Southern:** Yes, through the GAA. Yes, of course.

**Mr Dunne:** How did it give you that assurance when it did not have the expertise on board. It did not have the expertise to give guidance on both documents — the red guide and the green guide.

**Mr Southern:** You are asserting that Populous does not have the expertise to comment on the red and green guides.

**Mr Dunne:** Did it have that expertise? I understood that that was the role of the STG.

**Mr Southern:** Absolutely. The STG was there to monitor the ongoing design development and to make useful suggestions as it went through. It was incumbent on the design team to ensure that the particular site constraints and the GAA's particular brief were enshrined in an exemplar piece of architecture and also —

**Mr Dunne:** Which was compliant with the red guide.

**Mr Southern:** Absolutely, yes.

**Mr Dunne:** What was the role of the STG?

**Mr Southern:** The STG had an assurance role to the Department, which was, effectively, that the step through on the design by the governing body's design team was meeting best practice as far as it could do up to that particular stage. That was exactly the same step through as occurred on Ravenhill and Windsor Park.

**Mr Dunne:** Do you feel that the STG had full recognition and was part of that team at all times? As we look at it now, it looks as if it was an annex to what was going on. It was brought in as and when required, and it never felt that it was part of that integrated team right from the start. That is the risk that I see. You brought that project forward, and it has gone through, and it could have been built and never been compliant with the red guide to seat 38,000. I think that that is a real risk.

**Mr Southern:** It would have been a risk had the programme not been managed as well as it has been, with risks being taken care of at the appropriate stage boundaries. The fact is that Paul Scott was the conduit through to the STG. It is not clear whether the STG actually received everything that we fed through. Certainly it is not clear whether the STG ever saw the April 2014 red line drawing. He was the chair and the conduit; he was the constant direct line between me, the GAA and the design team. He also had a direct line to the GAA and the design team on occasion, with me cc'd in.

**Mr Dunne:** But he did not get involved until 2013.

**Mr Southern:** No, that is not correct. I am not sure whether you heard my opening statement. The origins of the STG were in Sport NI when I was there. We created that group specifically to input into a Sport NI project that had received OBC approval to proceed, with all the same constraints. Paul and I worked in the same organisation until the six of us were TUPE'd into DCAL. He has been involved since April 2011.

**Mr Dunne:** April 2011?

**Mr Southern:** When the business case was approved, the team was assembled and a cost centre was put against that programme.

**Mr Dunne:** Just to recap, then, as part of the project team, how did you achieve the assurance that you got in relation to the design requirements? How did that come through? How did you manage the risk of safety?

**Mr Southern:** Up to the planning submission?

**Mr Dunne:** Yes. How was that managed?

**Mr Southern:** It is an iterative design process where the design team is under contract to the GAA under clear instruction in terms of the brief that it was to meet. It provided an evolution of a design. At each stage, it has a life of its own and it looks at a multiplicity of issues all at the same time. That is the nature of architectural design; you are looking across all those parameters. The design team was feeding information through to the GAA and at the appropriate point, when it was dealing with a particular issue that would be STG-relevant, that information came through. In fact, I would have seen every iteration of the design. I would have had a constant overview of the way it was going. The design team was meeting targets and it had to meet timeline targets.

**Mr Dunne:** How did you get clearance from the STG? What sort of documentation was there?

**Mr Southern:** We should have received minutes.

**Mr Dunne:** Was there a certificate?

**Mr Southern:** No, we received two reports in January 2013, simultaneously in this case.

**Mr Dunne:** Is there not such a thing as certificates of compliance?

**Mr Southern:** No, not for the STG. That is to do with building regulations.

**Mr Dunne:** It is not in this?

**Mr Southern:** No, it does not exist. It is not part of their policy governance structure.

**Mr Dunne:** What sort of documentation was there?

**Mr Southern:** There was the likes of this report, which is an STG report for Ravenhill Park, which allowed the project to appoint the contractor. There is a similar one here for the national football stadium at Windsor Park. They were published on the same date.

**Mr Dunne:** We are still waiting for them.

**Mr Southern:** We are.

**Mr Dunne:** You talked quite quickly, Mr McGurk, and I do not fault you for that at all. You covered a lot of ground. You made some references about assurance and, obviously, you are very familiar with processes and procedures. It is probably part of your job to look for assurance and to give us all assurance that projects are value for money and that they are safe and compliant with standards. You said something about likely certificates in place at that time that would influence risk. What are you assuming there that the likely certificates would be in place? You talked us through —

**Mr McGurk:** I am not clear what the reference was.

**Mr Dunne:** It was in relation to the stage 3 process. You said that the likely certificates would be in place.

**Mr McGurk:** What I was maybe referring to was the fact that the wording that was used in the sign-off by the STG would say that this has the potential for a safety certificate of factor 1, (S) factor 1 or (P) factor. No one can give you a certificate at that stage; you have to build the stadium —

**Mr Dunne:** But you mentioned likely certificates. What sort of assurance is that —

**Mr McGurk:** I do not know what the context is here —

**Mr Dunne:** You mentioned it here; I have it written down. You mentioned likely certificates. What sort of assurance is that?

**Mr McGurk:** I have no idea what the context is —

**Mr Dunne:** Someone working for our government giving us assurance that we are getting value for money and are producing buildings that are safe and compliant —

**Mr McGurk:** Is there a rewind or anything so that I can see the figures and the context for this?  
[Laughter.]

**Mr Dunne:** Sorry. It is not funny by the way.

**Mr McGurk:** I am not laughing. I am saying that I do not know what the context of this work is —

**Mr Dunne:** You talked us through the stages when you were bringing the drawings through to the planning stage. You talked about it being likely that certificates would be in place —

**Mr McGurk:** The only context that I can see that is relevant is that the stadium is likely to achieve a (S) factor of 1 and a (P) factor of 1.

**Mr Dunne:** "Likely"?

**Mr McGurk:** Yes, because nobody can ever assure you of that until the stadium is built. Belfast City Council is the licensing authority. It cannot say 12 months earlier, "This is getting a factor of 1." Take Windsor or Ravenhill, for example. To this day, Windsor cannot assure you that it is going to get a factor of 1.

**Mr Dunne:** What about the fact that we did not have a written report from the STG at the stage of the sign-off for these drawings? Is that not an issue?

**Mr McGurk:** No. Carl raised that earlier. There was a report on 4 June. That was the normal standard report, and these guys were not happy with the wording. They then got an email from Paul Scott using the summary wording that you see in the other projects. Those are the facts as happened.

**Mr Dunne:** The planning application went in on 13 June —

**Mr Southern:** 19 June.

**Mr Dunne:** — and we did not have the report.

**Mr Southern:** Would you mind if I make a qualifying statement about this area of so-called interference in the reports and the fact that we did not receive a report? I will give the example of the 'National Football Stadium Safety Technical Group Report' of January 2013. On 30 November 2012, I wrote to Paul in a similar context to that of my comments on the draft report for Casement Park. I will read it to you:

*"Paul, the report is generally looking good and covers most of the key points, however I wonder if there could be some additional emphasis in certain areas. Please see my comments on the marked up copy attached. Points to note — Some of the GG5 occupancy figures appear to be calculated incorrectly based on the rates per metre stated".*

And they were; there were typos.

*"East Stand increased capacity statement requires clarification".*

That was not sufficiently evident.

*"South and East stands meet optimum best practice for seating deck design".*

This is the new south stand or the new railway stand.

**Mr Dunne:** With all due respect, we are dealing here with —

**The Chairperson (Mr McCausland):** If you let him finish —

**Mr Southern:** It is really important because it is in the context of so-called interference. We were aiming to celebrate and get a positive endorsement of the hard work that we had gone through to get to a good position. We had actually gone beyond it with some of the standards that we had self-imposed.

*"South and East stands meet optimum best practice for seating deck design, not just appear to be appropriate."*

That was the wording: "appear to be appropriate." They do not. They are bang on with the green guide. We do not need to design to green guide. We imposed the green guide on this. We could have designed to red guide, which is a lower standard.

*"Why wouldn't you state this. I appreciate appropriate would apply to the existing North and West stands."*

That is because the existing kop has low-tech and old technology, likewise the north stand. We could not do much with it.

*"This report reflects the outcome of significant liaison between the designers, DCAL and safety technical group and the assumptions are based on the seven developed scenarios for contentious and non-contentious home and international fixtures. Shouldn't this be reflected in the narrative? Finally, the current design will provide a step change in safety and comfort at the venue and perhaps a positive comment on the significant improvements this proposal will make to soccer in N.I would be welcome from the STG. Have a read through my comments and we can review thereafter."*

So, it is in that context, It is basically saying that it is not just appropriate in certain cases, that we have actually gone way beyond and that that deserves to be said because it is a good news story.

**Mr Dunne:** I do wonder how compliant the west stand was mind you, but we will not go there.

**The Chairperson (Mr McCausland):** Have you another question?

**Mr Dunne:** Yes, I have. In summary then, Mr McGurk, you are there to give us assurance in relation to value for money and so on. You accepted this project through the planning stage on receipt of an email. Is that compliant with your procedures on the assurance that is required for a £70,000 project?

**The Chairperson (Mr McCausland):** £70 million not £70,000.

**Mr Dunne:** Yes. Is that compliant with the procedures of DFP —

**Mr McGurk:** Yes. As Carl said already, an email is perfectly acceptable under any C3 contracts, and that is how it was done.

**Mr Dunne:** Would you like to go over that again? I will go over it as well. You are saying that a £70 million project is approved in relation to the STG. You did not have a report on that, which I understand was required.

**Mr McGurk:** Carl said that they had a report.

**Mr Dunne:** Sorry?

**Mr McGurk:** They had a report on 4 June, and that was being revised.

**Mr Dunne:** You did not have a compliant report.

**Mr McGurk:** I am answering questions on behalf of others here, but he had a compliant —

**Mr Dunne:** I am talking about your procedures. You are responsible for compliance, and you keep talking about assurance. You are giving us assurance, and that is fine. You work to standards, I assume. By the standards laid down, that you work to, is it reasonable to accept a £78 million project by email. Is that in your procedures? Can you give me that assurance?

**Mr McGurk:** The programme —

**Mr Dunne:** Yes or no.

**Mr McGurk:** The programme director —

**Mr Dunne:** It is not funny. Is it, yes or no?

**The Chairperson (Mr McCausland):** He is not suggesting that it is funny. The key point is —

**Mr Dunne:** Is it, yes or no? Is it compliant with your procedures? You know it is not, and that is why you cannot answer.

**The Chairperson (Mr McCausland):** Let me come back here. First of all, there is the point about whether it is an email or a letter. The second thing is —

**Mr Dunne:** What are your procedures, then?

**The Chairperson (Mr McCausland):** — that the lack of a report seems to be the core issue. In the documentation that we were given by you there was clear feedback. There was a report, and the key phrase was in the midst of, and embedded in, a report. The same was true for Ravenhill/Kingspan, as it was for Windsor Park. In this case, it is the isolation of the phrase in the middle of an email, without a report.

**Mr McGurk:** Yes, I get the question. The STG set the terms of reference for what was required. They said that what we need to do is confirm whether the project has the potential to create or generate a factor 1. The wording used in the email confirms that.

**Mr Dunne:** We are not talking about —

**The Chairperson (Mr McCausland):** We are not going to get any further with this, but I think there is concern among a number of members. I will say no more than that.

**Mr Dunne:** Sorry, Chair, can I just —

**The Chairperson (Mr McCausland):** Let me finish. There is a concern about the massive amount of money involved here — the £70 million for the total project — and the fact that it was pushed ahead without an agreed report. That is the core issue.

**Mr Dunne:** This is my last point. Was the sign-off, on the back of an email, compliant with DFP procedures in relation to stage 3? You have gone through it in great detail and blinded us with a lot of science, which we appreciate that you are competent on. Are you satisfied that it was compliant with DFP procedures?

**Mr McGurk:** DFP would not give guidance on what is required, whether by letter or email. What Rosalie Flanagan's letter did was to say that there must be confirmation from the STG that it is signed off. The process that was in place did not require a report. The STG set the terms of reference for that —

**Mr Dunne:** I am not talking about the STG. DFP are the people. You are working for DFP. Did the standards that you are working to require there to be a document?

**Mr McGurk:** There was no requirement for a report, no.

**The Chairperson (Mr McCausland):** OK.

**Mr Dunne:** Are you sure?

**Mr McGurk:** That is my —

**The Chairperson (Mr McCausland):** So we are told.

**Mr Dunne:** So there was no requirement —

**Mr McGurk:** Six months after the event, that is my recollection.

**The Chairperson (Mr McCausland):** We will not —

**Mr Dunne:** We are talking about the procedure. You should have known your procedures. If you are competent, you would know the procedures within DFP.

**Mr McGurk:** That is my recollection.

**Mr Dunne:** Can you give me assurance that there was no requirement? I will be checking at a higher level.

**The Chairperson (Mr McCausland):** Alright, Gordon. You have made the —

**Mr Dunne:** So, can you —

**Mr McGurk:** That is my recollection.

**The Chairperson (Mr McCausland):** That is his recollection. We will check it out.

**Mr Dunne:** There is no report required?

**The Chairperson (Mr McCausland):** We will return to this. It is on the record. We will follow through on that.

**Mr Dunne:** Thank you very much.

**The Chairperson (Mr McCausland):** Thanks. William Humphrey and then, finally, Basil McCrea.

**Mr Humphrey:** My apologies for missing your presentation. Mr McGurk, you said, in answering the questions of my colleagues, that process is important. I very much appreciate that that is your view, but I have to say, as someone who has sat at these meetings over the last number of weeks — going into months now — that there are huge gaps in the process, within government and within DCAL. If process is so important, I wonder why there was no necessity to have an agreed report.

You quite correctly identified that Belfast City Council is the licensing authority for stadia built in the city. It is very clear from listening to Valerie Brown this morning that any new stadia built in the United Kingdom have to be compliant with the red and green guides. I think it is the fifth edition of the green guide. I am sure you are aware of all of that. You mentioned the judicial review. I think you were basically saying that work could not proceed because of the judicial review, yes?

**Mr McGurk:** It would have impacted on the live planning approval, yes.

**Mr Humphrey:** I recall very clearly that this morning Valerie Brown said that there was an issue about crowd modelling, even before we got to the point of the judicial review, and that that information was not forthcoming. It suggests to me that flags were being raised and warnings sounded; because, if the crowd modelling was not being presented, and still has not been presented, there is clearly an issue. Do you not agree?

**Mr McGurk:** I will let Carl deal with that one. Carl, you are familiar with the STG minutes and so on.

**Mr Southern:** I am sorry; could you repeat the question to me, please?

**Mr Humphrey:** Were you not listening?

**Mr Southern:** I was making some notes.

**Mr Humphrey:** Effectively, what I was saying was in relation to Valerie Brown, who was here this morning from Belfast City Council. Belfast City Council is a licensing authority. Mr McGurk, in answering questions earlier, said that progress could not be made because of the judicial review. Ms Brown said this morning that there was an issue, even prior to the judicial review, about getting crowd modelling established, and that, therefore, final designs could not have happened, because the crowd modelling information was not coming forward.

**Mr Southern:** That is correct. It had to come forward at the appropriate time when the contractor's design team was brought on board.

**Mr Humphrey:** But even before we got to judicial review, that information did not come forward.

**Mr Southern:** The contractor was taken on in December 2013 or January 2014 — I cannot remember. The issue of emergency evacuation modelling had to occur when they came into the frame. I cannot remember when the JR started to raise its head, but I think the contractor came in just before then. Effectively, they had not been commissioned to actually undertake that work.

**Mr Humphrey:** But effectively, Carl, what I am trying to get across is that I do not want the judicial review being used as an excuse or reason for those things not being done. They were not being done regardless of what was happening with the judicial review. The crowd modelling was not happening. The information was not coming forward, and my understanding from the information this morning — everyone was here — is that it never came forward.

**Mr Southern:** Did Valerie Brown indicate timescale? What time frame does that come in? At what point was she saying?

**Mr Humphrey:** She was basically talking about the period when the judicial review was reached. She made the point that the crowd modelling was not happening before that. My point is that you cannot move to the design issues. No plans, no designs. The design team cannot move to the design point because it does not have the crowd modelling. It is impossible to do it. I asked her that very question.

**Mr Southern:** In the context of the stage 3 design submission up to planning, up to the stage at which the project could be novated over to the design team, it had gone as far as it could. That was effectively in June 2013. The planning approval was in December 2013. The contractor was brought on board straight after that. That is the point at which he would hand over and that design process would have started. It is nothing to do with the JR. I take your point. The contractor team would have taken that design and started in earnest to develop that.

**Mr Humphrey:** You have to understand our concern. Four weeks, or whatever, into the inquiry, we are told by the Department that the process is vitally important, yet, on an issue as key and salient as crowd modelling, the information was not coming forward; which would prevent anyone from moving to the design stage.

**Mr Southern:** When you say "crowd modelling", are you referring to exiting in fire or are you talking about a major incident.

**Mr Humphrey:** I think she was talking about exiting.

**Mr Southern:** Exiting and fire were signed off in April 2013 by Belfast City Council.

**Mr Humphrey:** A moment ago, you indicated agreement around the issue.



**Mr Southern:** No, I thought that you were talking in the context of a significant, one-off, in all probability high-impact, incident that took out the Andersonstown Road.

**Mr Humphrey:** I will come to that, because Mr McCrea was asking that question when I arrived. I think that the figure you used was that 72% of people would exit the ground on the Andersonstown Road. To me, on listening to various folk who have been in front of us, no one has come up with a scenario in which the maths on the capacity for emergency exiting work.

**Mr Southern:** That is not correct.

**Mr Humphrey:** Right, who has then?

**Mr Southern:** Mott MacDonald fire engineering determined that 72% would exit via the Andersonstown Road and the other 28%—

**Mr Humphrey:** Sorry, let me make it clear: I am talking about if there were an incident on the Andersonstown Road.

**Mr Southern:** I will explain, if I may, because you were not in earlier when we talked about this.

**Mr Humphrey:** Yes, OK. I am sorry about that.

**Mr Southern:** It is OK. We are dealing with a set of pre-existing site constraints that Paul Scott deemed not to affect operational viability within the outline business case. He signed off on that technically and did not raise it as a risk. So it was not a risk that was flying in our faces. The multi-agency report that came hot on the heels of the outline business case approval — more or less to the month afterwards — advocated the use of the Andersonstown Road in the event of a major incident, with country-bound egress and, under certain circumstances, the use of Mooreland Drive or Park and Owenvarragh Park. It advocated their use. Paul Scott knew that. It was never brought to the table.

The issue that perplexes me to this day is the fact that between June 2013, when Paul Scott advocated and endorsed the fact that it was capable of achieving a 1 for (S) and (P) factors, and October something happened. The virtual crowd modelling that underpinned the emergency exiting at that time qualified that. He endorsed the scheme at that point. They started to talk about total, 100%, sterilisation of the Andersonstown Road. That is a fundamental game-changer that did not occur at outline business case or in the multi-agency plan related to the old stadium, which has exactly the same context with 72% exiting along the Andersonstown Road.

**Mr Humphrey:** To be fair, he has not been in front of the inquiry. I think that he will appear here next week, and I will put that to him. However, the question still stands. The witnesses who have been to this inquiry to date have not been able to address the issue that Mr McCrea raised about emergency exiting in the event of a serious incident on the Andersonstown Road. I had a drive and a walk round there the other Thursday — I had not been in the area before that — just for my own information. I and others will put the question to whomever makes the decision on the issue, but it seems to me that no one has adequately addressed it.

**Mr Southern:** I understand and appreciate what you say. However, prior to any investment decision, it would have been appropriate to raise the point that you have made about your perception of the site. If that is a real perception and risk, why was it not raised by the whistle-blower?

**Mr Humphrey:** We will ask him that next week.

**Mr Southern:** It is a fundamental point.

**Mr Humphrey:** Yes.

**Mr Southern:** The other thing to bear in mind is that the decision could progress only to planning approval, which is as far as Populous was appointed to progress it. Within the procurement strategy, it then had to be transferred to another team to physically deliver it and meet the emergency evacuation requirements.

**Mr Humphrey:** As I said, those points will be put directly to Mr Scott next week. I am asking for your professional opinion on this: were there to be a serious incident on the Andersonstown Road — and Mr McCrea painted such a scenario earlier — do you believe that people could be safely exited from the ground?

**Mr Southern:** I am not a crowd-safety management expert. However, I will give you a partial view, which is that, in that event, which would be a major incident, a completely different set of rules will apply. You will end up with a multi-agency scenario and a different set of rules on how the stadium is used in that event. That could include the use of the pitch, which is twice the size of a soccer pitch —

**Mr Humphrey:** The pitch cannot be used. Valerie Brown made that quite clear this morning.

**Mr Southern:** It can be in a contingency situation where you take out the Andersonstown Road. It can. You discount it for the purposes of normal exiting in the event of fire but not in the context of a major one-off high-impact, low-probability event. It is a doomsday scenario. The same rules would apply if you wrote off the entrances to Mount Merrion and Osborne. The stadium would struggle. These are high-risk, low-probability events.

**Mr Humphrey:** I have been in Ravenhill only a few times. I am in Windsor on a regular basis. There is access and egress right round the ground.

**Mr Southern:** Apart from at the Aquinas end. It is a horseshoe effectively, but I hear what you are saying. The point I am trying to get across to you is that it was not in the ICT's gift to deliver the final element of the project, which is the emergency evacuation and management plan aspect. It had to be transferred over to the ICT. We had not got there, and the JR got in the way. It is not a smokescreen.

**Mr Humphrey:** For me, the JR is irrelevant after what I heard this morning. There were issues about information not coming forward, and that prevented the design and build going forward. It was very clearly articulated by the Belfast City Council delegation this morning.

**Mr Southern:** I did not hear that.

**The Chairperson (Mr McCausland):** One point from Basil.

**Mr B McCrea:** I promise I will be brief. I asked for special dispensation because I did not quite get the point finished. I promise I will be succinct. I thought that the second half of your presentation was more helpful, even if it was a little challenging, than the start. I think that there was some understanding of process. You need to think about that. Before I ask you the questions, I will say that I do not think —

**The Chairperson (Mr McCausland):** Question.

**Mr B McCrea:** Sorry, Chair, I want to say this; I was going to say it at the time. It is about Paul Scott. I do not think that it is helpful when we go off and denigrate people who have come forward.

**Mr Southern:** I totally agree.

**Mr B McCrea:** That is an issue. I will come back to you. There may be misunderstandings.

I want to ask you something for the record. I do not want to get into a big debate, but I want to understand these things. I understood what Ciarán told me about the process. There is a set of emails from you, Carl, to —

**Mr Southern:** Can you tell me what they are?

**Mr B McCrea:** Yes. It is on 18 October 2013. The subject is emergency exit model and strategy. I want to ask you what you mean by three or four of the statements. It was sent at 4.58 pm. It is page 133 of Paul Scott's papers. Have you got them?

**Mr Southern:** Your numbering is the same. Is it handwritten?

**Mr B McCrea:** Yes, it is the handwritten one. It is actually page 134. Because these are in reverse order, we will work the other way round. Although the process would take care of itself, the question is this: was emergency exiting a significant matter of concern at that stage?

**Mr Southern:** Yes, in the context of an emerging fundamental requirement that had not entered the dialogue up to that point.

**Mr B McCrea:** I accept that. There are only five points; I will run through them. At the end of that email, you said to Paul Scott:

*"You will appreciate that to proceed without this would be at best futile and something of a wander in the dark."*

**Mr Southern:** I do not think that I have that.

**Mr B McCrea:** It is the email that I am talking about.

**Mr Southern:** Oh, there, yes.

**Mr B McCrea:** What did you mean —

**Mr Southern:** Can I read the context, please?

**Mr B McCrea:** Yes, of course.

**Mr B McCrea:** What did you mean by this statement?

**Mr Southern:** The fundamental point is that, out of the blue, there has to be a complete sterilisation. We were being asked to consider a 72% loss of exiting, when, in the original strategy, we had 27,000 going that way and the other 11,000 going by Owenvarragh and Mooreland. So, it is in the context of Paul coming along and making suggestions about opening up the south-east corner, buying a house beside Owenvarragh, buying a bit of Mooreland, or buying a bit more of the south-east corner. I am saying, basically, "OK, I hear what you are saying. You are going to have to be more specific about the guidance that we need to refer to and where we are doing this." That informs the red-line drawing of April 2014.

**Mr B McCrea:** OK, but it is significant that you are asking him for clarity and taking it seriously. I draw your attention to the next email in the series. I do not know if it is the very next one. It is on 21 October 2013 at 9.44 am. It is from you to Paul Scott, copying in Noel Molloy. You say that:

*"We are now under significant time pressure to ensure that all design quality and regulatory approvals are in place prior to completion of the full business case (FBC) following return of tenders this week. Given that these additional external requirements are a belated requirement, we would appreciate your earliest advice".*

What do you mean by, "time pressure" and the impact on that? Why did you send that email?

**Mr Southern:** Based on a process that started in June 2013, where we had a sign-off that should have led to a final report and did not, and then the imposition of a condition for the 100% sterilisation of the Andersonstown Road, we were proceeding to the FBC in October — obviously, as soon as the contract came in. As soon as the most economically advantageous tender had been evaluated and agreed, that would bolt into the FBC and the process would work. This was 21 October; we had a month maybe. He is coming in with a belated 11th hour requirement. I am saying, if you see —

**Mr McGurk:** It might be in connection with the tender process — maybe for clarification. I am not sure; I am only guessing.

**Mr B McCrea:** I do not want to take too long on this. Hold on a second: I have to ask about these points.

**Mr Southern:** Given these additional external —

**Mr B McCrea:** I have to ask about this point.

**Mr Southern:** Given these additional external requirements are belated —

**Mr McGurk:** It might be later, around the return of the tenders.

**Mr B McCrea:** That is the key thing. I looked at the email from Paul Scott on 22 October. He says that:

*"the group is surprised at the term, 'belated requirement'"*.

You mentioned the report that he got, although it was a draft report of 4 June. In that report, he raises all sorts of issues about emergency exiting. Although it was a draft, and not the final, report, he does raise it. I therefore cannot understand why you think that it is belated. On page 60 of Paul Scott's notes, it says, "reviewed on 4.6.13." This is the June report that he has given you. I know you did not get the email until later, but you got the June report. If I draw your attention to the end of it, you will see that it is all about emergency exiting schemes. It says that they cannot do it, and there are numbers. These were not belated requirements.

**Mr Southern:** I need a little time to consider this.

**The Chairperson (Mr McCausland):** I will cut in here, because the two witnesses have been here for over four hours. I want to be fair and reasonable to them as well, as you will appreciate. There are opportunities, because this inquiry is not going to finish this week, next week or indeed in the first week of September. There are so many inconsistencies, contradictions and things that need to be clarified that this will take some time. That is clear. I think that we have got to the core of what the issues are. People have different interpretations of them, but at least we now, I think, have got a sense of what the issues are for the first time. I am going to just call a halt there and finish off.

**Mr Ó hOisín:** Chair, I just have two things to add very briefly. I am very glad that Mr Humphrey has actually visited Casement. It might be advisable for us all to visit Casement and perhaps the Kingspan and Windsor stadiums to see the issues on the ground, if that is doable.

This morning, we received a piece of evidence of which Mr Southern and his wife or partner were the authors. I think that it is unfair of us if we do not make him aware of that and the contents of it from Mr Scott, because I think that it is intended to damage him, his evidence or DCAL.

**The Chairperson (Mr McCausland):** I think that members said that it was parked. I do not think that there was any —

**Mr Ó hOisín:** I think that it is unfair. As I said, he is the author of it and he is not being made aware of it. It has been supplied to us as evidence, albeit that it is a screen grab of a text.

**The Chairperson (Mr McCausland):** Right. I will just ask a couple of questions here to finish off. I apologise, because you have been with us some time. During your period with Sport NI, Mr Southern, what would have been the largest capital project? What was the level of individual capital project that you would have dealt with in Sport NI?

**Mr Southern:** I was technical adviser on the 50-metre pool element at the Aurora leisure centre. That was a £38 million project.

**The Chairperson (Mr McCausland):** In Sport NI?

**Mr Southern:** Yes. That was part of the elite facilities programme.

**The Chairperson (Mr McCausland):** Is that the pool in Bangor?

**Mr Southern:** Yes. I was technical adviser on that project.

**The Chairperson (Mr McCausland):** Right. Is that the one where the tiles were wrong or something?

**Mr Dunne:** No; that is not true. It is compliant.

**The Chairperson (Mr McCausland):** Is it compliant? That is all right.

Secondly, then, in the papers that we were given there is correspondence by email between you and Paul Scott on 5 March, before the planning application went in.

**Mr Southern:** On what date?

**The Chairperson (Mr McCausland):** On 5 March 2013. It is at tab 2 of the Sport NI papers. The first one was at 1.08 pm from Paul Scott to you. The highlighted bit states that:

*"You will recall that this option was discussed in early January 2013."*

I will just read the whole thing. It states that:

*"Further to the development of the plans for Casement Park and the issues regarding exiting has any progress been made regarding exploring the option to create an exit leading from the south eastern corner of the sports ground to the cul de sac that leads onto the junction of Owenvarragh Park and Moreland Crescent. You will recall that this option was discussed in early January 2013. This exit would have the potential to decrease the exiting time for the venue, provide a significant increase in the emergency exiting capacity of the venue, particularly in the event of an incident on the 'Andersonstown Road end' of the sport ground ... As you are aware exiting arrangements are challenging and this may provide additional capacity."*

So, in March 2013, before the planning application went in, the issue of emergency exiting capacity had been raised. In fact, it refers back to some discussion. We do not have the details of that — no minutes or copies — but I am assuming that it was discussed, because you did not dispute that. Back in January 2013, six months before the planning application, emergency exiting was being flagged up as an issue and the potential need to create an exit onto a cul-de-sac at Owenvarragh Park. You then came back at 2.52 pm and said:

*"We have referred your comment to the UCGAA for further consideration with the ICT. I do recall a brief mention of the point in passing around general egress strategy, however as you know until very recently general access and egress strategy has been almost entirely focussed on the Andersonstown Road to minimise any negative impact on local residents and residual risk to the Planning application. ... we will raise it ... at tomorrow's project meeting."*

Can you recall either the exchange in January 2013 or what happened at that project meeting? I appreciate that it was two years ago; I am just enquiring whether you can recall.

**Mr Southern:** I am trying to recall when Populous was appointed. Was it around January 2013? I cannot remember. The point is that Paul made what he considered to be a useful suggestion to acquire a route through the south-east corner, through what I understand to be a redundant gateway down towards Kennedy Way roundabout. It was mentioned in March, and we referred it to the GAA and asked it what it thought about that. I go back to the point that this is not off the table; this is still very much part of the process that would be stepped through with the contractor's team.

**The Chairperson (Mr McCausland):** I appreciate that. I am just —

**Mr Southern:** It is not that it is dead; it is just the fact that it was not the right time to progress it.

**The Chairperson (Mr McCausland):** In terms of the issue of emergency exiting capacity, it takes us back to March 2013 and, beyond that, back to January 2013. Six months before the planning application was made, there were concerns about the emergency exiting strategy.

**Mr Southern:** He is addressing a possibility of an alternative route. It is there —

**The Chairperson (Mr McCausland):** To address the issue of emergency exiting.

**Mr Southern:** It would be there in the event of emergency exiting.

**The Chairperson (Mr McCausland):** Did he not say that it would provide a significant increase in emergency exiting capacity?

**Mr Southern:** It would assist with that, yes.

**The Chairperson (Mr McCausland):** So he was raising the issue, albeit with a suggestion —

**Mr Southern:** And DCAL transferred that to the GAA for consideration.

**The Chairperson (Mr McCausland):** You are acknowledging that correspondence is there. There was a conversation in January —

**Mr Southern:** Absolutely.

**The Chairperson (Mr McCausland):** — all of which says that emergency exiting capacity was an issue in March 2013 and, going back beyond that, January 2013.

**Mr Southern:** It is a point of fact; it was raised.

**The Chairperson (Mr McCausland):** That is fine.

**Mr Southern:** It was a useful suggestion, and we took it on board.

**The Chairperson (Mr McCausland):** I was given a copy of two pages from the draft version of the outline business case. It was in one of the papers that we were given. What was the relationship of FGS McClure Watters to Sport NI? Was Sport NI simply the body that recruited it to do the piece of work? Sport NI is on it, and FGS McClure Watters is on it.

**Mr McGurk:** Neither of us can answer that question.

**The Chairperson (Mr McCausland):** You were not involved in that at all?

**Mr McGurk:** No.

**The Chairperson (Mr McCausland):** Mr Southern, you said that, at that stage, there was no mention by Mr Scott of issues around emergency exiting, but you would not know because you were not involved in the process.

**Mr Southern:** During the OBC?

**The Chairperson (Mr McCausland):** Yes.

**Mr Southern:** Correct.

**The Chairperson (Mr McCausland):** But, earlier, you told us that he had not raised it then.

**Mr Southern:** Sorry?

**The Chairperson (Mr McCausland):** Earlier, you said that Mr Scott had not raised the issue of emergency exiting when the outline business case was being drawn up.

**Mr Southern:** The OBC contains no reference to —

**The Chairperson (Mr McCausland):** Sorry; that is a different point.

**Mr Southern:** Sorry. Say it again, then. Excuse me.

**The Chairperson (Mr McCausland):** What is in the final outline business case is not the issue. That will appear in due course when we get it. You specifically said that Mr Scott did not raise the issue of emergency exiting during the preparation of the outline business case. I think that that is correct, from what you said.

**Mr Southern:** There is no mention of exiting being an issue. That is correct.

**The Chairperson (Mr McCausland):** No. There is a difference. You are able to say that it is not mentioned in the outline business case because that is a document; we read it through, and it is not there. However, you went a stage further and said that Mr Scott did not raise it during that process. I do not know whether that is true. You would not know, either; you were not there.

**Mr Southern:** In terms of it being documented? Is that what you are referring to? That it might be an omission, is that what you —

**The Chairperson (Mr McCausland):** You would not know whether he raised it or talked about it. It would have been better to have said that you did not know. That is the point that I was getting at.

**Mr Southern:** I can only go on the evidence that is there, and that is the matrix of the risk register. It is not there.

**The Chairperson (Mr McCausland):** That is fine. It clarifies that point.

Also, with regard to the meeting of 16 October 2013, a suggestion was made to us at an earlier stage that repeated requests were made after that for its minutes. That was mentioned to us separately from this.

**Mr Southern:** Can you clarify which —

**The Chairperson (Mr McCausland):** It was mentioned to us, in documentation that came from Sport NI, that there were repeated requests for minutes. Can you recall being asked for minutes of the meeting?

**Mr Southern:** Can you clarify which meeting we are talking about?

**The Chairperson (Mr McCausland):** The one where you said that you would commission an emergency exiting strategy report. The Belfast City Council report says that you convened a meeting on 16 October 2013.

**Mr Southern:** I will be truthful: I cannot recall. We had the meeting, but I do not know whether a note of it came out. I cannot remember. I cannot comment.

**The Chairperson (Mr McCausland):** That is fine. If you cannot recall, you cannot.

Finally, I was not clear about one point. You say that, on 30 April, a model was brought to the council. Was that in 2013?

**Mr Southern:** Yes, it would have been. It was in support of the planning application and the public consultation process.

**The Chairperson (Mr McCausland):** Who would have been there to see this model demonstrated?

**Mr Southern:** It is impossible — I would not necessarily have been there.

**The Chairperson (Mr McCausland):** Was it council officials? Did you come to a committee?

**Mr Southern:** It was in two locations, as I understand. It was in Belfast City Hall and —

**The Chairperson (Mr McCausland):** Were you there yourself?

**Mr Southern:** No, I was not at its inaugural appearance. I went to look at it when it was at the shopping centre on the edge of town.

**The Chairperson (Mr McCausland):** So this is a model that was put out for public —

**Mr Southern:** Digestion. Yes, for a bit of wow factor, and to get some impression of how it —

**The Chairperson (Mr McCausland):** There are pictures on the internet of people standing around looking at a model in a glass case. Is that what it was like?

**Mr McGurk:** That is what it was.

**The Chairperson (Mr McCausland):** That really would not give you much information, though. I thought, when you talked about modelling in this context, you were talking about one of these technical models.

**Mr Southern:** Sorry, I see what you are saying. There was a 3D physical model, as we called it, which was the eye candy which you are referring to in Belfast City Hall. There is then a virtual programme called Move —

**The Chairperson (Mr McCausland):** Yes, that is what you were referring to.

**Mr Southern:** — which is the modelling that was used in crowd flow management. That was run by Mott MacDonald, and it informed the exiting and fire calculations. It was presented to the head of fire engineering for Belfast City Council on 30 April. Paul Scott —

**The Chairperson (Mr McCausland):** 2013.

**Mr Southern:** Yes. That was members of the STG, ourselves, the GAA, Populous, Mott MacDonald and fire engineering. Out of that came further requirements from the STG that we look at other percentage shifts of population: 75%/25% in one direction, and 75%/25% in the other.

**The Chairperson (Mr McCausland):** That is grand. I understand that. Thank you very much indeed for coming —

**Mr McMullan:** Just very quickly, can I just get this right in my head? From OBC to planning, there were no issues raised whatsoever — red-flag issues or anything else? After all we have heard this afternoon — we have been through all sorts of scenarios, going through papers and pages — was anything raised in a red-flag situation on the emergency exiting plan, during all those different stages from OBC to planning, or whatever they are called?

**Mr Southern:** There was reference in minutes to the emergency evacuation plan or the event management plan, and that it should be developed at the soonest possible opportunity. The same rules applied to Ravenhill and Windsor Park.

**Mr McMullan:** Chairman, can I ask you whether you raised any issues when you were Minister?

**The Chairperson (Mr McCausland):** Until you have got to the point of having a proper design, you do not go into emergency exiting plans.

**Mr McMullan:** When you were Minister, did you raise anything at all on any of those?

**The Chairperson (Mr McCausland):** I will not have seen any documentation in relation to emergency exiting because, as I think the point has been made by others, at that stage it is not even brought up.

**Mr McMullan:** Did you see anything at all to do with it?

**Mr B McCrea:** Chair, I would rather we dealt with this next week, as per the agreement.



**Mr McMullan:** Basil, I did not interrupt you.

**Mr B McCrea:** I know that you did not. I am just saying that we are now having a cross-examination, and if we are all going to get stuck in to "What did the Minister know?", I would like a go as well, please.

**The Chairperson (Mr McCausland):** First, on a matter of procedure and protocol, witnesses are still in front of us. The proper procedure is for the witnesses to leave. We have thanked them for their presentation. At that point, we decide what we are going to do after that. Carl and Ciarán, you are free to go.