



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 Peter May

10 March 2016

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Nelson McCausland (Chairperson)
Mr Gordon Dunne (Deputy Chairperson)
Mr Leslie Cree
Mr David Hilditch
Mr William Humphrey
Ms Rosaleen McCorley
Mr Basil McCrea
Mrs Karen McKeivitt
Mr Oliver McMullan
Mr Cathal Ó hOisín

Witnesses:

Mr Peter May

The Chairperson (Mr McCausland): I welcome to the meeting Peter May, the former permanent secretary in the Department of Culture, Arts and Leisure and currently the permanent secretary in the Department for Regional Development.

Do you wish to make a declaration of any financial or other interests with respect to the inquiry?

Mr Peter May: I have none, no.

The Chairperson (Mr McCausland): Thank you. In a moment, we will invite you to make an opening statement. After that, Committee members will have the opportunity to ask questions.

Peter, the focus seems to be around you saying:

"I would have received very regular updates from the programme team and the senior responsible owner (SRO), often on a very informal basis".

This is to get a better understanding, which we have found very difficult, of how that worked or did not work, the nature of communication and how information was passed up and down the system.

Mr May: OK. That is fine. I appear before you again in response to your request. For the Committee's benefit, I will be brief, but I will rehearse my role in the stadia programme.

I was in post as interim permanent secretary in DCAL from May 2013 to November 2014. The stadia programme had three levels of governance. First, each stadium had its own project board. I did not attend those meetings. Secondly, there was a programme board looking at all three stadia chaired by the senior responsible owner (SRO), which, during my time, was Cynthia Smith, and I attended it. Thirdly, there was a sponsor group for the three stadia, which I attended, and, when the Minister could not attend, I chaired the meetings.

In addition to the two formal meetings that I attended, which I have described, I would have had a series of informal conversations with the programme director and/or programme manager in between. The Committee has asked me to appear before it to talk about the nature and substance of those update meetings. The purpose of those updates was to keep me informed of developments and to allow me to test whether there were areas in which I could make an additional contribution or to understand whether there were issues facing the programme. I would have sat down formally with the team at the time that the funding agreements were being put in place for each of the governing bodies for the individual stadia and gone through in some detail the list of conditions that needed to be met either in advance of governing bodies being able to draw down funding or subsequently.

The meetings were often organised — well, to call them "meetings" would suggest formality. I would call down or one of the individuals would call up just to give me a sense of what was going on on a fairly regular basis. I want it to be clear that the ways in which I engaged with the team do not alter any of my previous evidence, but, if there are questions, I am happy to respond to them. Over to the Committee.

The Chairperson (Mr McCausland): We were helpfully given a diagram at one point. I ran off some copies, so maybe we can pass them around. Who was the stadium programme SRO?

Mr May: It was Cynthia Smith during my time. It had been Rosalie Flanagan previously.

The Chairperson (Mr McCausland): OK. You said:

"I would have received very regular updates from the programme team and the senior responsible owner (SRO), often on a very informal basis".

How often did the stadium programme board meet?

Mr May: I think that it met around quarterly. You have the minutes of the meetings. Essentially, the programme board and the sponsor board both met on a cycle that was approximately quarterly, I think. I cannot remember all the details.

The Chairperson (Mr McCausland): You were there from May 2013 until November 2014, so about a year and a half.

Mr May: Correct. For 18 months.

The Chairperson (Mr McCausland): During that time, was emergency exiting on the agenda? Was it reported to you by the SRO, either formally or informally, that there was an issue there?

Mr May: The answer to that is yes. I gave evidence fairly fully in June on how that issue was being addressed. I think that the first time that it came to my attention was in autumn 2013. It was probably the programme director who drew it to my attention on one of the occasions when he called up just to let me know how things were going.

The Chairperson (Mr McCausland): Was that Mr Miskelly at that stage?

Mr May: No, it was Noel Molloy at that stage.

The Chairperson (Mr McCausland): Noel Molloy still. OK.

Mr May: It would have featured in the updates that the SRO provided to the sponsor group. I know that you have all the minutes and so on. I do not want to go over ground that I have covered before.

The Chairperson (Mr McCausland): How seriously was it viewed? Was it viewed as a significant issue or a serious issue or something that would require radical thinking?

Mr May: I think that there was a need to address the issue. Again, I rehearsed this when I came before you in June. During my time, it had not been fully bottomed out as to whether the existing design could achieve what it set out to. You have heard from the designers. They were confident that it met the requirements. We took a good deal of assurance from that, given their reputation, background and knowledge and given the number of stadia that they had built of that scale. This was the first stadium of that scale that we were seeking to build in Northern Ireland. It was an issue that was being managed. As I said in my June appearance, it had not yet become a red flag issue when I was there.

The Chairperson (Mr McCausland): With regard to things happening on an "informal basis", there will have been conversations that might not necessarily have been noted or put into a diary.

Mr May: They would never have been minuted or in a diary. It would literally have been —

The Chairperson (Mr McCausland): "Call into the office".

Mr May: We were on different floors. I might have called down and asked what was happening with something.

It is important to remember that the programme was overseeing three stadia. Each stadium was at a different stage. There was a range of big issues facing the programme at any given time. I understand that the focus of the Committee is on one specific issue relating to one of the stadia. For me, it is important to say that that was one of many things that were being looked at. At given points in time, some of the other things were more immediate than the emergency exits. Early in my time, there was the issue of a judicial review (JR) by Crusaders Football Club. There was then a question about state aid for the stadia programme, which went to the very fundamentals of whether the programme could be delivered. There were then issues around making sure that Ravenhill could be operational for the spring of 2014. There was obviously the issue of the acceptability of Casement to residents and all the rest of it. There was a big range of issues, and I have certainly not covered them all in that summary. This issue was one of many that were being looked at.

The Chairperson (Mr McCausland): At one point, Sport NI gave us some documentation. One of the items related to Casement Park. It was a plan for a new stadium that had marked on it the proposed purchase and demolition of three or four houses. That plan is dated 10 May 2013, which was around the time that you came into the Department. Have you ever seen that?

Mr May: Perhaps someone can bring it down to me.

The Chairperson (Mr McCausland): I apologise.

Mr May: No, I have not seen that diagram before.

Immediately before I appeared before the Committee in June, Nick Harkness had appeared for Sport NI. He talked about the fact that a longlist of options was being looked at.

"You could reduce the capacity; you could widen the exits, primarily by knocking down houses; or you could move somewhere else. It is just a long list of options, some of which will be unpalatable to a range of people for a range of reasons".

I referenced that in the evidence that I gave, where I talked about Nick Harkness drawing out some of the elements and:

"whether it was possible or sensible to widen some of the exits, to produce a strip of ground along gardens".

I was therefore aware that a range of options was being considered, but, to be clear, during my time, there was one lead option, and that was the option based on the application for planning that was submitted. The fact that there was some secondary work being done in the background looking at contingencies is, to me, a sign that those involved in the programme — if it is fundamentally a design

issue rather than anything else, it is about whether the design can be made compliant with the requirements — were doing that in a professional way. You would expect any programme to look at contingencies in the event that they become necessary. We had not got to the point at which there was one option — I do not believe that there was one option — as that suggests. I think that there was a range of things being looked at. If we had got to the point at which one of those options looked as though it was going to be necessary or was the only way in which we could achieve something, that would have been elevated and been discussed at a more senior level.

The Chairperson (Mr McCausland): Apart from demolition, what were the options for providing adequate emergency exiting?

Mr May: As I understand it, it is not about providing adequate emergency exiting; it is about a scenario in which the Andersonstown Road is not available to use during an emergency exit. It is one step beyond. I think that everybody agrees that, in normal circumstances, the stadium as designed would have been capable of exiting 38,000 people in the time frame. As I mentioned, the strip of ground along gardens is being looked at to determine whether that could become some form of holding area. There are obvious questions that, again, the Committee has been made aware of. There would have been relatively few times in any year when the stadium would have been at full capacity. There are questions about what traffic restrictions or other arrangements could be put in place for the Andersonstown Road to minimise the risks of not being able to use that as a means of exit and so on. There is a range of things. I am not a safety expert, and I do not pretend to know all the detail that may have been considered by the design team or the safety technical group (STG).

The Chairperson (Mr McCausland): You mentioned another option, which was to purchase parts of the gardens of all the houses around the stadium and then provide a circulation base around it. Those are two options: demolition or purchasing parts of gardens. Were either of those ever discussed by you with the Minister?

Mr May: Again, I answered the question around emergency exiting more generally in June, and the answer has not changed. There was no discussion that I recall with the Minister on that.

The Chairperson (Mr McCausland): Would it not have been important though to let the Minister know, if she did not know, that there was serious consideration being given to options such as purchasing gardens or demolishing houses?

Mr May: As I have said once, if we had got to the point at which it was clear that even one clear alternative was becoming cemented, that would absolutely be the point at which that would be elevated. We did not get to that point. I certainly had not gone through the detail with the team. As is evident, I had not seen particular drawings or whatever; I just knew that some work was being done on a contingency basis.

The Chairperson (Mr McCausland): A permanent secretary once said to me, "No surprises. That is the key to good government". That requires that information be disseminated widely so that everybody knows what is going on. Are you not surprised that Noel Molloy, the programme director, did not make people aware of the proposal for demolitions?

Mr May: I know that Noel, Ciarán and Rory would have briefed the Minister. I was not present at a number of those briefings. I do not know what was covered. I am not going to offer a view on that.

The Chairperson (Mr McCausland): On occasion, they briefed the Minister directly without you.

Mr May: Yes. No permanent secretary should expect to be at every meeting with the Minister. That is not sensible.

The Chairperson (Mr McCausland): It would require Superman to fulfil that role.

Mr Humphrey: Morning, Mr May, and thank you very much. I listened to what you said. You said that you were not a safety expert and did not pretend to know the technical issues. I guess that is why the Department established the safety technical group and appointed Mr Molloy. It was expected that they would know the technical issues.

Mr May: Mr Molloy was appointed programme director but not because of his knowledge of detailed safety issues. He had a good track record of delivery across a range of things. He had not built sports stadia before, but I think that he was a good appointment.

Mr Humphrey: What about the safety technical group?

Mr May: Obviously, they would be expected to know the safety issues, as, indeed, should the design team. That is a fundamental part of their role in meeting the terms of the brief.

Mr Humphrey: You said in your evidence that the meetings were informal. We are talking about an investment of £60 million of taxpayers' money. It is clear from the evidence that we have heard from the safety technical group, from correspondence and minutes and from what we have heard from the Sport NI board, the programme board and the sponsor board that, when the design team started its work, issues were identified and red flags waved about emergency exiting issues at Casement Park. In the light of that and in the light of the threatened JR from, I think, Crusaders, which you talked about, the JR that you had had from the residents, the planning objections to at least one other stadium and the concerns over all three, would it not have been a good idea for the Department to take minutes or notes at some of those meetings?

Mr May: The point of a governance structure is that you have formal meetings at which you take minutes. If we create a system of government where, every time you talk to somebody, you have to take a note of it, we will end up with a rigid system that uses a lot of time and effort for no good purpose. We have to think about the sort of public service that we are trying to create. In my view, it is one that needs to be able to focus on dealing with difficult issues and on tackling things that have not necessarily been done before in a way that encourages the management of risk and not the avoidance of risk. Otherwise, we end up never doing anything because we are too busy making sure that there is a note somewhere that covers our backs about what is going on. If there had been substantive decisions to be taken, they would have been elevated to the formal mechanisms, which were the programme board, the sponsor board or, indeed, the project board for each individual stadium. The idea that every conversation that I have with a colleague should be minuted is not one that I accept.

You said that red flags were raised. It has been a fundamental part of my evidence that I did not see a red flag as having been raised on this issue; I saw it as an issue being addressed and managed through the process. It had not been resolved by the time that I left the Department.

Mr Humphrey: Ultimately, the judicial review clearly showed that it was not being addressed.

Mr May: I do not know that the judicial review did show that. I do not think that the judicial review related to the safety issue, from my recollection.

Mr Humphrey: With respect, I have not mentioned the safety issue; I am talking about how, surely, there would be blue lights, red flags or whatever raised on a range of issues by the design team and not just on Casement Park. I remember watching the media closely around the three stadia, and there were issues with the other two. They were not as big and, ultimately, not as prohibitive in taking the thing forward, but there were issues.

You talk about the public service and government dealing with issues and avoiding risk. I want the public service and government here to be open, transparent and accountable, Mr May. All the things that you want I want to see as well, but I want to see things being open, transparent and accountable. I know that you are no longer in the Department, but the difficulty that I have — colleagues can speak for themselves — is that it seems to me that, be it the spoken word or in writing, there is scant communication. That is what I read into it. We are told that meetings took place or conversations were had, that they were informal and that notes and minutes were not taken. One assumes that those meetings took place, but my view is that, if you are the permanent secretary and there are issues being raised and fed through, as we have seen in correspondence, to you and your successors, your predecessors and Ministers, those are of a serious nature because a significant amount of public money is being spent on them. To date, somewhere in the region of £7 million of public money has been wasted on this project. Where was the communication internally?

Mr May: As I said, I think that there was good communication. The fact that there was a series of update conversations is a sign that there was good conversation. You are right to say that there was

a set of issues facing the stadia. It was a challenging programme of work. A stadium of that scale had not been built here before, so, as a result, it was right that there should have been a big focus on the formal governance and on the informal working together. As permanent secretary, I was accountable for what happened in the Department, how things were done and so on. I have to say that I am comfortable that the way in which we communicated was entirely adequate. I am happy to be open and transparent with the Committee in any way that I can be of assistance to it.

Mr Humphrey: I appreciate that you have been here before and that you are here today. I welcome that and thank you for that. I remain unconvinced, however, that there is good communication. When you have the evidence that we have had, such as the minutes of Sport NI board meetings at which the issues were flagged up —

Mr May: I —

Mr Humphrey: Just let me finish. There are clear statements from the then chief executive or the current chief executive of Sport NI on the issues that they had been flagged up. The issues were discussed at the sponsor board and in communications and emails between the chairman of the safety technical group and others, yet the answers that were given to the Minister were not inconsistent with answers that we have heard from other permanent secretaries and the Minister. The issues never seem to be documented; indeed, in some cases, people have suggested that papers that Mr Walsh surrendered and were placed in the safekeeping of Sport NI have disappeared or been destroyed.

Mr May: I am not able to talk about either Mr Walsh or Sport NI, as I do not have any visibility there. What I will say is that not only was the issue raised at the Sport NI board and by the Sport NI chief executive but it was raised in a series of SRO updates to the sponsor board. When I came here in June, the concern of the Committee was that not enough was being done around emergency exiting. I am highlighting the fact that it was absolutely an issue that was logged and was being addressed. The question is this: had it got to the point at which a fundamental change in the approach to Casement was required? It had not, when I was permanent secretary. However, some background work was being done to consider what might need to be done in those situations.

Mr Humphrey: I would like to say this finally, although I may come back in later, Chairman. The emergency exiting issues were logged and were being addressed. You were content with the communication. Is £7 million of taxpayers' money being wasted and the ground lying as a wasteland not something that government should be concerned about? Ultimately, Kingspan/Ravenhill is finished; the redevelopment of Windsor Park is all but finished; but nothing has been done at Casement except that £7 million has been wasted. What you say about issues being logged and addressed and about communication being good is not borne out when the stadium is in the state that it was in when we visited it only a few months ago.

Mr May: I do not accept that £7 million has been wasted. I accept that we are not yet in a position in which the stadium is being built. There is more work to be done. As a rule of thumb, for most construction projects, you need to spend 10% of the total cost on the planning and preparation. While that may exceed 10% for Casement, that is the rule of thumb. Anything above that is what you —

Mr Humphrey: What is there of value to show to the public purse and the taxpayer for the £7 million-odd that has been spent on Casement Park?

Mr May: A lot of work has been done on the design for the stadium. Clearly, more work is being done at the moment to take that forward. You need to look at this when we have got to the point at which the stadium is being built.

Mr Humphrey: Mr May, the design that was produced for the stadium is flawed. The stadium cannot be built. We have heard from Belfast City Council that it cannot be built. There will be no certificate.

Mr May: As I said —

Mr Humphrey: It is the authority that will provide the certificate. There is not the required emergency exiting to facilitate, enable and allow the stadium to be built. That is simply not the case.

Mr May: As I said, further work is being done on the design. We need to look at this in the context of when that design work has been completed and the total cost —

Mr Humphrey: We have spent £7 million, which is my point, and further work has to be done. You talked about the preparatory work costing 10% — it is more than 10%, because the stadium will cost, I think, £62 million; we are already above the 10% — but it has delivered nothing tangible. The designs will now have to be worked on after a judicial review, because they are simply inadequate and do not meet safety regulations.

Mr May: I am not close to what work is being done at the moment, so I am not in a position to understand. I stand by the fact that it is not right to say that all the money that has been spent to date has been wasted.

The Chairperson (Mr McCausland): Thank you, William.

I referred earlier to the plan of 10 May 2013. There were emails that circulated between the Department and the safety technical group from May 2014, which was also during your period. One states:

"DCAL expresses concern that the potential purchase of residential properties to aid emergency exiting had only been raised recently."

Mr Scott said that those concerns had been raised for many months, and we have this plan from the previous year. Why is it that that was talked about, was on paper and officials were sending emails about it, yet nobody apparently ever thought that it was a red flag? I will avoid the phrase "red flag", because it could have a very specific meaning that people might use to say, "Well, it's not a red flag issue, but it's a very serious issue". The fact is that it requires only two residents to refuse to sell their garden or one person to refuse to sell a house. Unless government had done a compulsory vesting of those properties for the GAA, there was no way that either of those options was going to be possible to implement. Of course this was a red flag, as others describe it, but, for me, it is simply a very serious matter. How much did you know about that, and why was the Minister not told? Was she told? If she was not told, why not? She says to us now that, until 2015, it was never mentioned.

Mr May: We are at risk of going over ground that I have already attempted to cover here, I think.

The Chairperson (Mr McCausland): It is to get clarity around it.

Mr May: The first time I was told about the issue was in the autumn of 2013. I understand that the date of that may say May, but I am not aware that the issue around the non-use of the Andersonstown Road had been raised at that point. The fact that on 19 June the safety technical group agreed that the design could go forward for planning is indication, indeed, that this was the case.

The Chairperson (Mr McCausland): Let me ask you this: if, in the autumn of 2013, Noel Molloy brought this to your attention —

Mr May: That is my recollection; I cannot give you a date or anything.

The Chairperson (Mr McCausland): Did you never tell the Minister?

Mr May: As I said, I had not had a conversation with the Minister around emergency exiting.

The Chairperson (Mr McCausland): Is that not a dereliction of duty?

Mr May: I do not believe so. As I have been clear, there are many clouds that appear on the horizon in a programme of this nature; it is about working out which ones need to be drawn to a Minister's attention.

The Chairperson (Mr McCausland): To be honest, Mr May, I think that most people will look at this and say that that is simply incredible. It is impossible for people to accept that this was not serious enough to be brought to the attention of the Minister. Was it ever discussed with her special adviser (SpAd)?

Mr May: No, not by me.

The Chairperson (Mr McCausland): Did you have any conversations with the SpAd about emergency exiting?

Mr May: I do not recall having any. Again, I gave evidence on that point in June.

The Chairperson (Mr McCausland): Some SpAds are more hands-on than others: was he someone who was in and out of the Department pretty regularly?

Mr May: Yes. Again, he would have had conversations with the stadium team directly. He would not necessarily have come through me on all occasions.

The Chairperson (Mr McCausland): We have not been able to get him to the Committee yet. I have to say that, to many people, it seems to be a dereliction of duty that this was not brought to the attention of the Minister — if that is the case, as you say it is. It seems bizarre and incredible. It seems as if the Department was asleep at the wheel.

Mr May: Again, I think you used that language or something very close to it in June, and I absolutely disagree with that.

The Chairperson (Mr McCausland): Yes, but you have not been able to explain why it was not brought to the attention of the Minister.

Mr May: I have explained, actually, on a number of occasions —

The Chairperson (Mr McCausland): But not satisfactorily.

Mr May: Well, maybe not to your satisfaction —

The Chairperson (Mr McCausland): Not to the satisfaction of the vast majority of people in Northern Ireland, who will look at this and say that there was an attempt here, some way or other, to keep this quiet and covered up.

Mr Cree: I thought you were going to cover all the ground that I wanted to cover. Good morning, Peter.

Mr May: Good morning.

Mr Cree: I was interested in your discussion with Mr Humphrey about keeping records and the necessity of having the minimum. I am sure you would agree that it is essential to record some things in major project work in the record.

Mr May: My point was that there absolutely has to be a strong governance structure. That is what the programme board for the stadia and the sponsor board are for: to provide that record of decisions that need to be taken and the issues that the board has considered and addressed. In addition, there is a series of emails, all of which, I imagine, the Committee now has. I should clarify — I want to make this clear to the Committee — that having informal conversations is not an attempt to avoid any minuting or recording of what is going on; it is more about a way of keeping in touch with the work of the Department. I am slightly bemused that this is not something that people would recognise.

Mr Cree: Everyone probably knows now that we have been able to find very little on the record, full stop. We know that contemporaneous notes were taken and that quite a lot of them were, apparently, shredded. Was it policy to keep notes for a limited period and then shred them?

Mr May: I am not aware of any notes being shredded in DCAL. I do not know whether that is what you have been told, but I am not aware of any notes being shredded on a regular basis. There is certainly no policy to that effect.

Mr Cree: A plethora of emails appeared in the paper yesterday. I do not know whether you saw them.

Mr May: Yes. They were all in front of the Committee already, were they not?

Mr Cree: Well, it is interesting that they are all appearing now. Would you not agree that some of this clearly highlights a concern that major exiting was not on the agenda?

Mr May: I would not mind seeing the notes again; I do not have them with me. As I recall, three particular pieces of paper were referred to, were they not?

Mr Cree: Well, there are 13 in this. Some of them are from the safety group to Carl Southern —

Mr May: Right.

Mr Cree: — clearly flagging up that the issue had not yet been addressed.

Mr May: I have been clear, both in June and today, that we had not finally resolved the issue by the time I left the Department in November 2014, so I accept that the issue was still there to be bottomed out.

Mr Cree: Our concern is that we are trying to find out just what happened or did not happen on exiting. We know now quite clearly that a lot of people were aware of the significant concerns that there were on the matter, but it never seems to have made its way to the top.

Mr May: As I said, I was aware that background work was being done on contingencies. We remained focused on trying to make the main option work in relation to the design that had been prepared by our design team, and not all of the issues had been resolved. It had not yet been clarified that that would not work by the time I left.

Mr Cree: Peter, would it be unfair to say that there was a culture in the Department of no negative waves with respect to the Casement Park project — "Sort all the problems out and just get on with it"?

Mr May: I would not have characterised it in those terms, but there certainly was a delivery focus. This was a Programme for Government commitment. One of the Executive's key objectives was to try to carry all three stadia through to completion. We were all absolutely committed to trying to achieve that. The work done was all with that in mind. Clearly, all of the stadia need to be constructed on a basis that works; otherwise, you are not achieving the objective.

Mr Cree: So no one at the top level actually knew about the unresolved concerns about emergency exiting.

Mr May: As I said, the sponsor group received updates from the SRO on a quarterly basis, all of which referenced the fact that there was an emergency exiting issue still to be addressed. To that extent, reference was being made to it. In my view, at the time, it was a proportionate reference to where we were in addressing the issue.

Mr Cree: OK. When the planning application was finalised and was about to be put in, was there no check to say, "Can this be a problem? Exiting has still not been addressed at this point in time"?

Mr May: Again, you have heard evidence from members of the programme team who have explained that there was a triple lock. The safety technical group needed to sign off at the point when we had sought planning permission; at pre-construction stage, before the construction notice was issued; and then after construction, before the operation of the stadium. To that extent, absolutely. On 19 June, we secured the safety technical group's sign-off to go to planning. That is what happened. Well, that is my understanding of it.

Mr Dunne: It is not. That is not the case.

Mr Hilditch: On exiting, yes, but not on emergency exiting.

Mr May: Sorry; the point was that the STG signed off the application to go for planning. The issue around emergency exiting, particularly the non-use of the Andersonstown Road was, in my understanding, not raised until autumn 2013.

The Chairperson (Mr McCausland): I think it is on record that Mrs Flanagan said that there was to be consistency across the three sports. There was a process and a format for two of them. This was entirely different.

Mr May: Well, I do not think that the safety technical group was actually operational in that form for Ravenhill necessarily, but there was a formal sign-off by safety experts in respect of all three stadia that, in my view, was similar in nature.

The Chairperson (Mr McCausland): Well, I think that our evidence is to the contrary on that.

Mr Cree: I have one last point, Peter. It seems, again with the benefit of hindsight, that, with the numbers anticipated in Casement Park, there was not going to be snowball's chance of actually getting it passed without having safety clearance on the exiting procedure. Was that not, at least, a little negligent by the Department?

Mr May: As I have said, the next point at which STG sign-off would have been needed was pre-construction stage, for the construction notice to issue. It would absolutely have needed to have been resolved for that time.

Mr Cree: Although it is possible that any requirements highlighted at that stage would have meant reconstruction.

Mr May: Well, if there needed to be any adaptation to the design, clearly there would have had to be a resubmission to planning on that basis.

Mr Cree: Would common sense not dictate getting it right first time?

Mr May: Every effort was being made to do so. You have heard from the design team that they strongly believe that the design was compliant with what was required.

Mr Cree: And yet it was not in accordance with the green and red books.

Mr May: I am not an expert on the green and red books, so it is probably best if I do not enter that territory. We are going far and wide here, Chairman: I came to answer on a specific issue and have done my best to prepare on that issue. I have done some further research but do not claim to have gone over all the evidence received by the Committee in relation to the green and red books.

Mr Cree: OK. Thank you Peter. I will leave it there.

Mr Hilditch: Mr Cree touched on it, but there is a period where there seems to have been a lack of understanding of what constitutes exiting and emergency exiting. As we can see from emails etc, this was particularly compounded by the fact that, whilst you, Peter, seemed to be confident that discussions were going on, nobody was talking to the STG at all and they were being sidelined. The frustration came out when the whistle-blower came forward. The planning application had been submitted without, potentially, the physical changes that the STG might have recommended and that could have meant going back to planning, even if it was just for amendments. That, in itself, tells me, as a layperson, that something was not right in the Department in how it was being dealt with.

Mr May: You say that the STG was not being engaged with, but I am not sure that that is right. From my recollection, when Carl Southern and Ciarán McGurk came before the Committee they set out a number of occasions in the autumn of 2013 when they had engaged with the STG. The minutes of the sponsor board reference discussion between Noel Molloy and Antoinette McKeown in December 2013. Certainly, in March 2014, Antoinette and I exchanged emails — I answered some questions around that in my last appearance — that reference how the safety technical group could make sure that it was properly embedded in the structures. In July 2014, I included in a submission to the Minister a reference to the fact that there had been a discussion with the safety technical group and the design team about emergency exiting and that that was, as I was told at the time, progressing well. I think there is evidence that the safety technical group was engaged. I accept that Mr Scott, in particular, was unhappy by the time he came to the Committee, but I do not necessarily understand all of the underlying factors there.

Mr Hilditch: Do you now fear that perhaps you, as permanent secretary, were being kept out of the loop and that some people were not telling you the factual position?

Mr May: I think I have been saying that I was being told that there was an issue and that it was being addressed. I was not getting into the nitty-gritty of the detail of that issue at the time.

Mr Hilditch: There is evidence that some aggressive meetings took place at one stage.

Mr May: What evidence are you referring to?

Mr Hilditch: There seems to be some evidence of a meeting held with the STG at which, whilst they were not laughed out of the meeting, a lot of disparaging remarks were made about their work. When the issue arose, the programme manager and the design team failed to get the STG into the room to talk about the problem. People knew that getting this over the line was a government goal but did not seem to be pulling in the right direction.

Mr May: I think there was some frustration on all sides, initially, because the issue around the Andersonstown Road appeared to have been raised very late in the day, well after the application for planning. I understand that, but I think there were a lot of efforts to draw people together, and those were ongoing during my time in the Department.

Mr Hilditch: There is an email that shows that Carl Southern was seeking information to allay the Minister fears in, I think, April 2013, that, if the Andersonstown Road was closed, there were issues —

Mr May: I do not think the email refers to the Andersonstown Road. My recollection is that the Andersonstown Road issue was not raised until the autumn of 2013. Emergency exiting is entirely — there is an issue about how you get people out of the stadium that has to be met, but I think that that particular angle was raised later in the process. I am not aware of any evidence to the contrary.

Mr Hilditch: Yet, the Chair has indicated the plans that we have seen about May 2013 in relation to —

Mr May: I understand that, and I am a bit surprised. My understanding was that the issue had not been raised at that point. Maybe they were looking at alternative designs. This was at a time when the design team would have been doing its work. I am not au fait with precisely —

Mr Hilditch: You can see why some of us on the Committee find it difficult to —

Mr May: Yes, I understand.

Ms McCorley: Go raibh maith agat, a Chathaoirligh. Thank you very much for coming in today for your presentation. Can I just go back to a comment made earlier about £7 million being wasted on Casement? Just for clarification, will you outline the difference, please, between the Casement project and the other two — Windsor and Kingspan — that made them completely different, so that the £7 million spent on Casement was not a waste of money?

Mr May: I am not sure that I entirely understand the question but —

Ms McCorley: OK, I will just explain it further. There has been £7 million spent on Casement already, and someone said that that was a waste of money. I see Casement as being a significantly different project because of the nature of it, so could you describe why that £7 million has not been money wasted?

Mr May: In essence, for all of the stadia, you go through the same process of appointing a design team, working up the design, seeking planning permission, undertaking any necessary works to enable the construction and then moving into the construction phase. The point I was making is that it is entirely normal to spend a percentage of the total budget for a major construction in advance of work starting on the ground. That money is not being wasted; it is necessary in order to get to the point where you have confidence that you are building the right thing.

Ms McCorley: So it is a necessary preparatory cost.

Mr May: Yes.

Ms McCorley: OK, that is what I would have thought. I would not really —

Mr May: I am not a construction expert, but others could give you more chapter and verse if you want it.

Ms McCorley: I would never consider it a waste of money.

The issue of when it was raised as a red flag issue comes up all the time. I have asked this question of different people: when a project like this is under way, these are items on an agenda and they are dealt with as a matter of course as the project proceeds. It is normal that they would be discussed. But we have also been told that, in the course of working through the project, those issues will be addressed. That is how I understand it.

We heard from the design team — Populous and Heron Buckingham — and the GAA. They were able to outline a vast array of experience in building stadia across Ireland and the world. Their experience, expertise and skill told them that this would deliver a safe stadium. I find that very impressive and still do not see any reason to doubt their word. They are the ultimate experts in this. If people with that expertise were saying that, would you have been of the view that it would be safe enough to accept that they knew what they were doing?

Mr May: Obviously, you place reliance on people with expertise and experience of building stadia. Equally, it is important that each stadium goes through the proper process in relation to safety certificate sign-off and so on. There was a need to reconcile or resolve the issue that had been raised and make sure that we could proceed to construct the stadium.

Ms McCorley: Yes, that is it. I have said a lot of this before. I also heard the Chair saying that the vast majority of people in the North have concerns about how the process is being undertaken and are doubting stuff. I am not sure of his exact words, so I stand to be corrected, but I think he was saying that the vast majority of people in the North think that there was something wrong with the process. I live in west Belfast, and the vast majority of people there want it to proceed. They want a safe stadium, and they want that investment to come into our community. That is what I know. I live there, I have talked to a lot of people and I have had lots of feedback. That is what I can say about the vast majority of people.

Mr May: That is true of all three stadia: they are game changers for sport in Northern Ireland, with the facilities that are available to people for professional sporting activity and, in the case of the GAA, amateur sporting activity and in relation to being facilities for use by the community. The Kingspan Stadium is a beacon in that sense with the education and heritage centre that has been established there. There is no doubt that there are huge opportunities. It remains all of our hopes that all three stadia will be completed as quickly as possible.

Ms McCorley: Surely. Can you give us some information about the extra benefits that come to communities as a result of projects like this being placed there? I am not sure if you have that, but I have heard —

Mr May: You are bringing me into territory that is buried somewhere fairly deep. There was certainly a big focus on community benefits, both the opportunities for the communities in the direct vicinity of the stadia and the use of all three stadia as regional facilities that would be open much more widely and where there would be an opportunity for the community to benefit from that investment in sport as well as, as I have explained, having the main events that might be hosted in the stadia. In addition, there would be opportunities for employment and apprenticeships in construction and so on, and all the contracts had requirements to bring the long-term unemployed into the construction process and so forth. A multitude of benefits is available.

That is a summary. I am afraid that I would need to refresh my memory on more of the detail.

Ms McCorley: That is the sort of thing that we are talking about. There are extra benefits. There are economic benefits and a feel-good factor in the community, and it just gives a lift that is hard to quantify.

Mr May: One would expect that it would help other businesses in the vicinity, for example, or, indeed, would potentially help to stimulate new business in the vicinity.

Ms McCorley: I would hope that the vast majority of people across the North would feel the benefits in some way or other of seeing the stadium being built because it would be a resource on a scale that we do not have in the North. In those terms, it is a positive development.

Mr Dunne: Thanks very much for coming back. We appreciate your input. You were involved as the permanent secretary. I understand that you were on the sponsor board.

Mr May: Yes, and the programme board.

Mr Dunne: The sponsor board is obviously at the highest level. It is responsible for managing the three projects for building the stadiums.

Mr May: Yes.

Mr Dunne: I see that one of the roles of the board is to receive assurance that the programme is being run in adherence with government policy. Would you accept that that is a fair statement?

Mr May: It sounds reasonable. I do not have the detail in front of me, but it does not sound like an unreasonable proposition.

Mr Dunne: Obviously, you were there at the highest level in relation to Casement Park, which we are dealing with today.

Would it be fair to say that the sponsor board would have recognised the project as being rather sensitive in nature in relation to its scale? It was proposed as the biggest project and certainly the biggest stadium. There is a variation in the figures, but the maximum figure was a 38,000 capacity, against a capacity of approximately 18,000 for the other two. Would it have been flagged up that this was an issue that needed to be treated sensitively at sponsor board level?

Mr May: The sponsor board would have recognised that community acceptance of Casement was important, and there would have been a lot of focus on encouraging the GAA to work closely with the local community on the impact that the stadium would have on that community. That is the way that I would put it. It certainly was a significant issue in relation to Casement.

Mr Dunne: What about the scale of it? The impact of such a proposal in a residential area — 38,000 people — is hard to measure. I understand that the Odyssey, which has a serious impact on traffic in the east of the city, holds around 11,000, but here we are talking about 38,000. Surely, that is a risk that would have been flagged up, even at sponsor board level, and something that needed to be managed.

Mr May: You are absolutely right that there is a big set of issues about the operation of a stadium of that size. I know that there were conversations between the programme team and the GAA about the desirability of appointing a manager for the stadium at an early stage — in other words, before construction — in order to allow those plans to be developed and to address traffic management and other issues to enable people to get safely to and from the stadium, if that is what you mean.

You have to remember that the old Casement had a safety limit of 32,000, I think, from memory. This was an increase, but it was a scaled increase rather than one starting from 18,000, as it were.

Mr Dunne: It is a completely different design.

Mr May: It is a different design —

Mr Dunne: Totally.

Mr May: You were talking about how you get to and from the stadium and the traffic management, in particular, so I am referencing that.

Mr Dunne: There is an impact from that on a community. A huge new structure for 38,000. Where do you park 15,000 vehicles on a Sunday afternoon when they arrive there? All of those issues needed to be addressed, and obviously, they were not properly addressed. When it went to court, it was thrown out because of issues like that — the lack of consultation, the lack of evidence in relation to traffic management and the lack of real consultation with local residents.

Mr May: I do not think that it was around issues around car parking and so on that —

Mr Dunne: That was part of it. Traffic management was part of it.

Mr May: Traffic management is something that needs to be addressed fully in relation to the stadium; I absolutely accept that.

Mr Dunne: Needs to be addressed?

Mr May: Yes, in order for it to work effectively.

Mr Dunne: OK. I will move on. In relation to the safety technical group, the planning permission was submitted during your time, is that correct?

Mr May: It was submitted in June 2013, from what I recall.

Mr Dunne: You were in post.

Mr May: I was.

Mr Dunne: You were heading up the project.

Mr May: I had overall responsibility for what happened in the Department. The senior responsible owner was Cynthia Smith, but, yes, I am happy to take responsibility.

Mr Dunne: You mentioned the fact that you recognised that a number of issues were to be finalised to meet the requirements that you talked about.

Mr May: I think that what I said was that I believed that we had the approval and clearances that we needed to submit the planning application in June 2013.

Mr Dunne: Do you accept that the emergency exiting was not signed off by the safety technical group prior to the submission of the plans to the DOE?

Mr May: I do not have the email that was sent by the safety technical group in June 2013, but, when I read it, my reading was that it was saying that there was sufficient to enable us to proceed to planning.

Mr Dunne: But the emergency —

Mr May: I have it here, if the Committee will bear with me for one moment. There is talk of "constraints on design", and it goes on to state:

"There have been on-going discussions and revisions to the exiting strategy ... with a number of variations being applied following the findings of the modelling exercises. The STG is awaiting some further information/revisions to the internal specification/dimensions from the Design Team however these would appear to be of a minor nature and will be reviewed accordingly. In the interim the STG consider that there is the potential for a 'S-factor' of 1, and a 'P-factor' of 1 to be applied subject to any revisions to the proposals being agreed, and a suitable Management Plan for the venue being developed."

That is what I have just been talking about. The email goes on to say:

"The Management Plan in particular should detail and contain suitable Emergency Exiting arrangements."

To me, that was signalling that it was ready to go to planning. I am not sure what other reading you could place on that.

Mr Dunne: It is our understanding, though, that the emergency exiting plan — we are not talking about normal exiting — was not signed off by the STG.

Mr May: It states:

"The Management Plan in particular should detail and contain suitable Emergency Exiting arrangements."

Mr Humphrey: Suitable.

Mr May: Yes. It is saying that they consider that there is the potential for an S factor of 1 and a P factor of 1, which is what is needed in order to proceed to the planning phase, and then it is saying that the management plan needs to be developed and that needs to cover the emergency exiting arrangements. At that time, as I said, the issue around the Andersonstown Road had not, to my knowledge, been raised.

Mr Dunne: We have had much evidence here from many genuine people to the contrary.

Mr May: I accept that people have offered you different evidence; I am offering you my recollections.

Mr Dunne: In relation to control of documentation, what is your understanding as a permanent secretary of the Department's policy on the retention of documents relating to a major project with a £70 million spend? I take it that there is a policy on retention of documents. You would be familiar with it, obviously, as a leader.

Mr May: The policy on retention of documents is that what is needed for the public record should be retained.

Mr Dunne: What is the policy?

Mr May: I do not have the detailed policy with me, but there is a detailed policy on the retention of documents and, indeed, when documents can be disposed of.

Mr Dunne: Yes.

Mr May: I am not aware, as I answered already, and I am not clear what is being adverted to. Someone asked about what Sport NI had done with its documentation, and I am not familiar with Sport NI's role in regard to documentation. I am not aware of documents within DCAL having not been retained. If there is evidence to that effect, of course, you can —

Mr Dunne: You talked about there being no minutes taken of several meetings and communications.

Mr May: I think that what I said was that to call them "meetings" would be to overstate them. You would call by and have a chat with somebody; that is not a meeting. You would not expect —

Mr Dunne: Is that the way Departments work? Is that the way we do business?

Mr May: As I said to one of your colleagues, I just do not understand this line of questioning. We have formal meetings —

Mr Dunne: I will tell you what the line is: the line —

Mr May: We have formal meetings at which we address issues and take minutes and keep records. The idea that every conversation we have in the meantime will be recorded does not seem to me to be sensible.

Mr Dunne: That is not what we are talking about, with all due respect. What we are talking about is this: what is the policy? You do not know the policy.

Mr May: I do not have the policy with me, but there is a clear policy on the retention and disposal of records.

Mr Dunne: For how many years do documents have to be retained? You were the permanent secretary in the Department. You were just the permanent secretary, on a considerable salary. Obviously, you reported to the Minister. You were heading up the Department. Can you clarify what the policy is on the retention of documents? How many years? On a major project, costing from £70 million to £80 million, what is the policy? You do not know it.

Mr May: I am sorry; I am not sure whether you want my answer or not. The approach taken to public records is that there is a review after a set number of years about the retention of documents. Some of that goes to, for example —

Mr Dunne: Can you quote me the reference?

The Chairperson (Mr McCausland): Sorry —

Mr May: I am not sure what the relevance is, Chairman, to the Committee's inquiry.

The Chairperson (Mr McCausland): I will paraphrase: the concern of a number of members is that there seems to be a view of a situation where nobody seems to pass on information, there is nothing in writing and there is no record. We hear, "The Minister was not told"; "He was not told"; "It did not come to me"; "I did not know"; "He did not know": nobody knows anything. That is the impression that is being given. The question then, I think, is this: if there was anything in writing — I accept entirely your point that there would be a lot of informal meetings — is it three, four or five years before it is reviewed?

Mr May: There is an email policy in the Civil Service, where you send emails and what happens automatically, after three months, is that, if you have not saved those emails into a document management system, they are deleted. To that extent, you lose sight of the email after three months. There is a focus on all of us to make sure that we retain documents, through the document management system, that are of relevance. There are all sorts of exchanges that happen by email that are not considered necessary to retain; otherwise, you would end up with a system that covers everything.

I come back to this point: I have not understood what documents DCAL is supposed to have deleted or shredded that the Committee is looking for. I am not aware of any documents being lost, but I am happy to be put right by the Committee.

Mr Dunne: Well —

Mr Humphrey: Can I just make a point? I thank Mr Dunne for letting me do so. Mr May, I used to work in business, and we had to retain documents for six years.

Mr May: You would retain procurement documentation for a certain period of time, certainly.

Mr Humphrey: The retention of documents in this case is particularly relevant because the project has not been completed.

Mr Dunne: It is a live project.

Mr May: What documents have not been retained?

The Chairperson (Mr McCausland): Before I bring Mr Dunne back in on that point, I want to say that there are two issues that are linked. The first is the issue of emails or conversations that happened during your period as permanent secretary. We have a long list of emails. Who was made aware of those? We are trying to get to the bottom of who talked to anybody and said that there was a problem

or a potential problem. The second issue is the retention of information, but the first issue is probably the more important one.

Mr May: I think that I have answered that. I have been very clear that the programme director drew my attention in the autumn of 2013 to the fact that an issue had been raised on emergency exiting in relation to the Andersonstown Road. As I said, the reference to emergency exiting began to appear from that point on in the sponsor board updates by the SRO, and there was a series of other things that were done in that period. I have also been clear that I did not have a conversation with the Minister about that issue.

The Chairperson (Mr McCausland): When Mr Molloy raised it in the autumn of 2013, did he mention the potential resolution being demolition or the buying up of gardens?

Mr May: Not at that time.

The Chairperson (Mr McCausland): And nobody asked him how to resolve it.

Mr May: As I said, I was aware after that that there was contingency work being done, looking at options for how you would resolve it in the event of there needing to be a change to the design.

Mr Dunne: Thanks, Chair. Was it flagged up as a risk that there was potential for a major change to the design?

Mr May: I do not have access to the risk register to see how it was reflected, if at all. As I said, at that time, it was being addressed as an issue. I understand that members of the Committee are not content that it was not raised with a red flag, but I am going back to how it was addressed at the time.

The Chairperson (Mr McCausland): We will —

Mr Dunne: Can I just make one point in relation to the documentation that you are avoiding —

Mr May: Sorry, I am not avoiding anything.

Mr Dunne: Well, you are trying.

The Chairperson (Mr McCausland): Just ask the question.

Mr Dunne: Can you clarify the policy on hard copy documentation? In your Department, what is the policy on the retention of documents for a major project like this?

Mr May: Again, there are different answers. Procurement documentation has to be retained for a set period in case there is any challenge. I think that it is seven years. Mr Humphrey mentioned six, but I think that it is seven years. In any event, we have tried to reduce the amount of hard copy material that is held, because paper files are increasingly on their way out. All public records are reviewed at given points in time for whether they need to be retained. Then, there is a big decision taken. There was a 30-year rule, which is going down to the 20-year rule. It is being stepped down, but I cannot remember precisely where we are. The Public Record Office is the guardian of that, and you will doubtless have received evidence on that. That rule relates to which documents are made available to the public. In the meantime, there would be weeding of documents and so on —

Mr Dunne: For a live project like this, how long would you expect hard copies of documents to be retained?

Mr May: As I said, in many cases there are no hard copy documents because so much is now —

Mr Dunne: Obviously, a lot of it went missing.

The Chairperson (Mr McCausland): OK. Basil McCrea.

Mr May: How do you reach that conclusion, Mr Dunne?

Mr Dunne: We have had evidence week in, week out from genuine people that documentation has not been made available. You have said that a lot of the documentation is not available after three months in soft copy.

The Chairperson (Mr McCausland): Thank you. What, I think, you will pick up is the deep frustration that, in a multimillion-pound project, the core issue of emergency exiting was treated in such a casual manner. Nobody tells anybody. Emails are all over the place, yet nobody seems to know. There is deep frustration here that we cannot get to the bottom of the issue.

Mr B McCrea: Are you surprised that the Casement Park project has not started yet?

Mr May: I do not have a view on that. I do not think that my views on that are helpful to the Committee or relevant to the emergency exiting issue.

Mr B McCrea: Are you aware of why the project has not started?

Mr May: Not specifically. I am no longer in DCAL.

Mr B McCrea: Are you aware of Mr Justice Horner's judgement on the matter?

Mr May: I certainly saw press coverage of it at the time. I may well have read it; I cannot remember. I do not recall it today. I have not refreshed my memory of it.

Mr B McCrea: Are you surprised that the judge concluded that the PSNI concerns raised in the October 2013 period that you are talking about were not made available to that Minister — not your Minister but another one?

Mr May: I do not have access to what he said, so I could not comment sensibly on that. If you would like to read the relevant extract, I am happy to comment.

Mr B McCrea: It says here that:

"The judge, however, having studied all the evidence, found that the Minister"

— that is the Minister of the Environment, obviously —

"was never told of the PSNI's concerns."

This was in October 2013. The summary of judgement states:

"Although the judge did not determine whether this had occurred deliberately or accidentally, he concluded that the result was that the Minister was denied the opportunity to consider all the relevant evidence which rendered his decision to grant planning permission 'irretrievably flawed'."

The question I ask you is this: is something that is irretrievably flawed — that is, the passing of information from a Department to the Minister — systematic in the Civil Service?

Mr May: I am not sure I understand quite where you are coming from. There is no attempt made to avoid information going to key decision-makers in any case.

Mr B McCrea: This is a judgement by Mr Justice Horner, and he uses the words, "irretrievably flawed".

Mr May: The judicial review found against the DOE. I accept that.

Mr B McCrea: I will just read out some other quotations. This is based on information that would have been provided. You talked about the planning acceptance in June 2013. Then there were problems in October 2013. It is all about, "We think it is OK to go to planning".

Mr May: It went to planning in June 2013.

Mr B McCrea: With the Department's sign-off. The judge:

"considered the approach adopted by the Department to be fundamentally flawed and said 'this was both an inadequate and unlawful approach and it meant that the likely significant effects of full capacity attendances at the ground were not and could not be adequately assessed'."

That is based on the planning information that you provided to the system.

Mr May: To be clear, it is the GAA's planning application, not the Department's. It needed our approval to proceed.

Mr B McCrea: To be clear, we got extensive commentary on the sign-off and the step-across

Mr May: We —

Mr B McCrea: I had not quite finished.

Mr May: I apologise.

Mr B McCrea: I will let you speak. We were told that there were different key stages and that going to planning would require a departmental sign-off. That was obtained. You referred to the email. Without that email, it would not have gone to planning. Am I correct?

Mr May: You are correct. It is also correct to say that it is the GAA's planning application.

Mr B McCrea: But on the authorisation, given that there is a significant expenditure of public money and we were assured that no reckless application for planning could be made and the Department had oversight, the judge's determination contained some fairly strong language. It moves from DCAL to DOE, but it is fairly strong when it states that it was:

"both an inadequate and unlawful approach and it meant that the likely significant effects of full capacity attendances at the ground were not and could not be adequately assessed".

Why do you think that the judge was in a position to make that statement? Was there an error in process, or is that just the way that things are done?

Mr May: I have not had the chance to review documentation in relation to planning. You asked me to come here to talk about update meetings, at your request, I think, Basil. You are inviting me to conjecture why a judge reached a certain conclusion, and I am not in a position to do that.

Mr B McCrea: It was at my suggestion that you are here, and I am grateful —

Mr May: I am happy to be here.

Mr B McCrea: — that you could find the time to do it. I am trying to find a balance in this. Clearly, something has gone wrong —

Mr May: Yes.

Mr B McCrea: — because we do not have a stadium.

Mr May: Indeed.

Mr B McCrea: Had nothing gone wrong, we would hopefully have had a stadium by now. We look back to some of the issues that presented, and hindsight, of course, is a wonderful thing. Something strikes me about that email that you refer to. I have seen the Hansard report, and I was amazed that the sign-off — you might be able to help me here — was at what time of the morning?

Mr May: The email was sent at 10.46 am.

Mr B McCrea: It was then approved by whoever it was sent to at — is it on that? I think that it was 2.00 pm. The application for planning from the GAA was on the same day. Everything happened in one day, and I wonder if that gives adequate time for reflection on what it meant. It seems to me that there was undue haste.

Mr May: I do not agree with that. It is clear that a number of things need to be in place in order to put a planning application in. This must have been the last of those. Once all of the necessary steps had been taken, why would we choose to delay the application?

Mr B McCrea: I might have accepted that as an acceptable answer if everything had gone to plan.

Mr May: Oh, right. OK. So it would be good to do it quickly if it works.

Mr B McCrea: Regrettably, that is the reality in the world. I do not think that people set off to do things poorly; they set off to do them in an efficient, effective manner. We learn by experience, and you learn some things by having made a mistake.

Mr May: I think that the question I would ask is this: if we had taken days, weeks or months to assess what we had received, would we have reached a different conclusion? I have already said on a number of occasions that the specific issue before the Committee, which is about the Andersonstown Road not being available for an emergency exit, was not, in my view, raised until the autumn of 2013. It was not on the table in June, so it is not clear to me how we could have reached a different conclusion on the planning application.

Mr B McCrea: It should have been on the table.

Mr May: I am not sure how that works.

Mr B McCrea: I am reading from the judgement, which says that the PSNI raised concerns about:

"the crowd's ability to exit the grounds; and the consequent ability of emergency services to access the grounds which could pose a potential risk to life."

However we got there, if Justice Horner says that, there was a flaw in the system in getting to that position. He uses language that, I think, is symptomatic of the whole process. Again, I understand totally that it is not your Department or your Minister. Nevertheless, it is a strange or concerning statement for Justice Horner to make.

I quote again:

"The judge, however, having studied all the evidence, found that the Minister was never told of the PSNI's concerns."

Those are the PSNI's concerns from 2013. Maybe they should have been known about before that, but they were not. They certainly were known in 2013. The Minister was not told of the PSNI's concerns, and the summary of judgement says:

"Although the judge did not determine whether this had occurred deliberately or accidentally" —

he considered that it was relevant and "irretrievably flawed". There seems to me to be a difficulty in communicating relevant information from certain sections of the process to the ultimate decision-makers, who are the Ministers. It appears to me to have happened to two Ministers: the Minister of Culture, Arts and Leisure and the Minister of the Environment. They have not been given adequate information to enable them to step in and do the remedial work that was required. I am asking you, as one of the leads of the person who puts in place the process, why that process failed. Why were those Ministers not provided with the information in a timely fashion that would have let them address the issue?

Mr May: We have rehearsed at length the issue in relation to information to the CAL Minister. I know that a vast amount of information went to the planning authorities to support the planning application. It is true that the judge found that there had been a failure in process, and I confess that I think that, from memory, his judgement was made after I had left the Department. Therefore, I have not had the

chance to go back and review the basis for his judgement, how that worked and what would need to be done differently in future. However, any Department or organisation would look to learn lessons if something had —

Mr B McCrea: You may have left, but let me refresh your memory of what the judge said. You mentioned in response to some earlier questions about the baseline figures that there was only an incremental increase. The summary of judgement states:

"The evidence before the Court was that, having taken the Department's baseline number of 32,600 spectators, the Department merely assessed the impact [of] an additional 5,400 spectators".

Mr May: This is the Department of the Environment.

Mr B McCrea: It is indeed, but it is symptomatic, I feel. Had there been really engaged discussion about emergency exiting with DCAL, the Department of the Environment would not have taken that approach. I do not understand why you can just take a figure. There is substantial information here that it had never reached that level of attendance, 38,000, for the granting of safety tickets. This was the fundamental problem that led to the judicial review ruling against the application. Insufficient attention was paid to emergency exiting and the infrastructure around it. It is a fundamental failure of planning. I understand that different Departments have different aspects of the planning regime. I am interested in why this process failed and why nobody told the Minister, either the Minister of Culture, Arts and Leisure or the Minister of the Environment, that there was a problem with exiting. Why did nobody flag it up? Why was it not a red flag? It is what stopped the project.

Mr May: I think what stopped the project, as you have described, is the judgement that the DOE looked only at the increase in the total numbers rather than taking a look from ground zero, as it were. The issues in relation to emergency exiting, as I have rehearsed at length, were put on the agenda for the sponsor board by way of the update that the SRO provided. It was clear that there was work going on to address those issues. I am not in a position to speak about the Minister of the Environment's position. I have not —

Mr B McCrea: I have one final question. I just want to make it clear. You said that you thought the judgement found against the planning application because of the somewhat cavalier adoption of —

Mr May: I did not say that it was cavalier.

Mr B McCrea: The inadequate adoption of the 22,600 level. I am putting to you, reading from it —

Mr May: If I had had the opportunity to read the judgement, I would be happy to answer questions.

Mr B McCrea: All that I can do is share what I have in front of me. I will do it slowly so that you can understand what I am —

Mr May: I think that I need to read the whole judgement rather than one sentence that you are choosing to —

Mr B McCrea: No, I am not —

The Chairperson (Mr McCausland): Sorry. I think that we have pursued the point.

Mr B McCrea: I did say that this is the final point, and I just want to make it clear. I think that an answer to this is required. It states:

"the crowd's ability to exit the grounds; and the consequent ability of emergency services to access the grounds which could pose a potential risk to life."

That information came from October 2013, which you acknowledged happened in the Department. It says:

"The judge, however, having studied all the evidence, found that the Minister was never told of the PSNI's concerns."

That was the Minister of the Environment. If there was information available to your Department, why was it not passed to the relevant Minister? That is what stopped this project dead. There was a failure of internal communications. I am trying to find out whether that was to expedite matters or just because "We do not do things in that way".

Mr May: As I have said, every effort is made to make sure that all relevant information is provided. The information provided to support the planning application was voluminous in nature. I have said that I would need to go back and review the precise terms of all of this. I do not have a direct recollection of the documentation that, you have indicated, Justice Horner was referring to in order to be able to answer in detail today.

The Chairperson (Mr McCausland): OK, thank you.

Mr Ó hOisín: Thank you, Peter. Just for the record, you are confirming that, as far you are aware, there were no discussions, formal or informal, minuted meetings or anything else with the Minister and her special adviser regarding the emergency exiting strategy.

Mr May: I said that in June, and I have repeated it today.

Mr Ó hOisín: OK. There was a traffic light system for all the stadia development, which was a safeguard for the safe delivery of the project.

Mr May: For all three stadia, there was strong governance for each of the stages of development. I have referenced the nature of the improvements required from the safety technical group. The funding agreements with each of the three governing bodies set out clearly the conditions precedent and conditions subsequent that needed to be met in order for them to avail themselves of public funding. Some of those conditions stretched for some time after the completion of the stadia.

Mr Ó hOisín: I am a regular visitor to Kingspan. You feel very safe in it. It is a great stadium and a lovely place to go. I have yet to go to Windsor, but I am not averse to it. Surely enhanced or different criteria were applied to the delivery of the Casement project.

Mr May: How do you mean?

Mr Ó hOisín: I mean that, in the case of the then Ravenhill — now Kingspan — the STG was not actually in place for a substantial part of the process.

Mr May: No. I think that the group itself had not been formed but was formed in time to look at the planning for Windsor.

Mr Ó hOisín: Indeed, we have heard before that the final sign-off on Casement was literally days beforehand.

Mr May: As I have said, there are three sign-offs needed: one for planning, one for pre-construction and one for post-construction. The post-construction one was a matter of days before the first use of the stadium. That is normal.

Mr Ó hOisín: The point that I am making is that this was all a running process. It was a live process all along. It had not concluded. That is the point that I made at the very inception of the inquiry. We have sat for nearly a year now, and I have listened to a lot of ill conceived negativity and, indeed, misinformation on some things.

Mr Dunne: It could be the truth.

Mr Ó hOisín: And interjections as well.

Mr Dunne: Good.

Mr Ó hOisín: The bottom line is that — I would love to have it clarified — we all want to see a safe and fit-for-purpose stadium built at the Casement site. The last time I was at Casement, I was on the sideline. My club lost out to Oliver's club in the Ulster final; I owe him one there. I would love to see it being played back in Casement. I will put a positive spin on it as we come to the end of the mandate, if not the end of the inquiry, by saying that I hope that we will see delivery. I look forward to the GAA bringing forward its new proposals at the end of the summer. I look forward to it proceeding. It is my contention that different criteria were applied throughout the process to Casement. We have all suffered because of that.

Mr Humphrey: Mr May, you said in your evidence earlier that, in terms of emergency exiting, things were being logged and addressed. You also said that, during your period as permanent secretary from May 2013 to November 2014, you served as a member of the programme board and the sponsor board. Is that right?

Mr May: Yes. I attended the programme board, which was chaired by the SRO, and the sponsor board, which was chaired by the Minister. When the Minister was not available, I chaired the sponsor board.

Mr Humphrey: How many of those meetings were held during your year and a half in place?

Mr May: I think that you have all the documentation. They were roughly quarterly, so I think that there were five or six. I do not have the detail.

Mr Humphrey: At any of those meetings, were you or your colleagues advised of problems or issues around emergency exiting?

Mr May: At the risk of repeating myself, at the sponsor board meetings from December 2013 onwards a reference was made to continued discussions with the safety technical group or whatever. You have the documentation; you do not need me to refer to it.

Mr Humphrey: Yes, but I ask you as the permanent secretary.

Mr May: Well, the answer is yes.

Mr Humphrey: Right. Who was the contact person directly between you and the Minister in relation to the taking forward of the project at Casement Park?

Mr May: A programme team worked full time on the project.

Mr Humphrey: Who was the person?

Mr May: The programme director is the most senior person working full time on the project.

Mr Humphrey: Who is?

Mr May: It was Noel Molloy originally and then Rory Miskelly in the latter period.

Mr Humphrey: Mr Molloy, who was the SRO and chaired —

Mr May: He was not the SRO; he was the programme director. As I said, he was the senior person working full time on the project.

The Chairperson (Mr McCausland): The SRO was Cynthia Smith.

Mr May: That is correct.

Mr Humphrey: Right. So, in terms of the responsibility to advise you or Ms Flanagan, was that Mr Molloy or Mr Miskelly's responsibility? Was it Cynthia Smith's responsibility?

Mr May: On a day-to-day basis, I looked to Noel Molloy and Rory Miskelly to provide the information, but there were times when I had conversations with Cynthia as well.

Mr Humphrey: Who, in the Minister's absence, chaired the sponsor board?

Mr May: I did.

Mr Humphrey: At any of those meetings over that 18-month period, did any of the people who were leading the project make you and your colleagues on those two respective bodies aware that there were issues over emergency exiting?

Mr May: Cynthia Smith referenced in her written report and would have given an oral update based on that report. She would have referenced the fact that there were issues to be —

Mr Humphrey: When?

Mr May: At the sponsor board meetings from December 2013 onwards.

Mr Humphrey: Right. Why did you not tell the Minister?

Mr May: It was not a question of my not telling the Minister. As I explained, she had access to those papers. She attended some of those meetings —

Mr Humphrey: I am asking you a question: why did you not tell the Minister?

Mr May: Because the issues were still being addressed, and I was waiting until we had greater clarity about what the alternative option would be, if one were needed.

Mr Humphrey: The problem for me and for the taxpayers of Northern Ireland is that, £7 million later, the problem is still being addressed and the stadium is not being built. Do you think it was wrong that you did not advise the Minister?

Mr May: I think that the decisions I took were reasonable in the circumstances. As I said, I certainly included reference in a submission in July 2014 to the fact that there were ongoing meetings on emergency exiting issues involving the safety technical group. I knew that there were ongoing briefings directly with the programme team, so it had not got to the point where I needed to have a separate conversation with her.

Mr Humphrey: Given that the issues of emergency exiting not being addressed are there and are live and given that you say that they were being logged and addressed when they were not — they have not been — do you not think that you should have advised the Minister of that?

Mr May: Well, they were being addressed. I have said that they had not been resolved by the time I left the Department.

Mr Humphrey: No, no. You cannot address something that is not resolved. You address it when you resolve it.

Mr May: Well, that is a matter of language. I do not agree with that. You can address an issue and continue to address it before it is resolved.

Mr Humphrey: Was it a failing on your part as permanent secretary that you did not advise the Minister?

Mr May: I do not believe so.

Mr Humphrey: OK. What was going on in the Department that meant that the Minister was not being advised on this? Did we have the culture around Casement Park that Mr Cree talked about earlier?

Mr May: Remind me which culture you refer to.

Mr Humphrey: Mr Cree said, if I remember correctly, that there was a culture of suppressing bad news about Casement Park and having only good news.

Mr Cree: "No negative waves", I said.

Mr May: Absolutely not. As I have said, our objective was to achieve the Programme for Government commitment. To achieve a commitment, you need to tackle any difficulties in the way of getting there.

Mr Humphrey: I think that we have established that the person who was responsible, ultimately, is the accounting officer in the Department who advised the Minister around these issues of emergency exiting, which still prevent the stadium from getting off the ground. That person was you.

Mr May: I accept responsibility for what happens in the Department.

Mr Humphrey: You allowed the Minister and those who followed you and who replaced the people in those positions to come to the Committee in April last year and tell us that the first she heard of the issues around emergency exiting was when Mr Scott became a whistle-blower and came to the Committee.

Mr May: As I have said, the issue was being flagged and included in the updates from the senior responsible owner to the sponsor board on a quarterly basis. It was referenced at the meetings. I included a reference to emergency exiting in at least one of the submissions that I sent to the Minister in July 2014. What I have been clear about is that I did not have a conversation with the Minister about emergency exiting. I think that the way in which Mr Scott put the allegation or the point across in April 2015 by relating it to Hillsborough-type scenarios and so on was taking an issue that was being addressed and elevating it to a different level — a level that it had not been at previously.

Mr Humphrey: Are there minutes of the programme board and sponsor board meetings?

Mr May: Yes. I think that the Committee has them.

Mr Humphrey: Would those have been passed, as a matter of course, to the Minister or her special adviser?

Mr May: The programme board minutes would not have gone to the Minister, as far as I am aware. The sponsor board minutes would.

Mr Humphrey: At any point, would those issues have been in the minutes of a sponsor board meeting that the Minister may or may not have chaired — in which case you would have chaired it?

Mr May: I would need to go back through all the minutes.

Mr Humphrey: Is there a potential that they may have been?

Mr May: There was a reference made in the updates provided by Cynthia. I can see, for example, in the minutes of the meeting of 22 October 2014, reference to the fact that the safety technical group discussions remained ongoing. That is in the minutes.

Mr Humphrey: October 2014?

Mr May: October 2014.

Mr Humphrey: Who chaired that meeting?

Mr May: I chaired that meeting.

Mr Humphrey: You chaired the meeting. The Minister was not there because you chaired the meeting, is that right?

Mr May: The Minister was not there; that is right.

Mr Humphrey: So the minutes of the meeting that you chaired, which the Minister did not attend, would have been passed to the Minister or her special adviser.

Mr May: Yes. You have got all this information.

Mr Humphrey: I know that we have got the information.

Mr May: They state:

"The development of an emergency evacuation plan for Casement to meet GAA's need for a 38,000-capacity stadium is ongoing."

Mr Humphrey: Is that a sponsor board meeting as well?

Mr May: That is a sponsor board meeting.

Mr Humphrey: Who chaired that meeting?

Mr May: The Minister chaired that meeting.

Mr Humphrey: I will end my questioning there. Thanks.

The Chairperson (Mr McCausland): What you seem to be suggesting, Mr May, is that there was some sort of glass ceiling and that, below that glass ceiling, emails were circulating and conversations were taking place, and then it gets up to the point of Noel Molloy, as the programme manager. You are trying to tell us that nobody above that glass ceiling was aware of all those conversations and plans with the demolition of houses, emails talking about the demolition of houses — all of it under your watch.

Mr May: I do not think that that is what I have said at all. I referenced the fact that, when I came before you in June, Nick Harkness had already given evidence about the options being looked at. I referred to some of those options in the evidence that I gave, and I have said that I was aware that that work was being done in relation to sensible contingencies in the event that they were needed. There is no glass ceiling there.

The Chairperson (Mr McCausland): Somehow or other, there is a blockage. Did you not realise that you could end up either in a position where, somehow or other, you could build a stadium that could not all be used because of inadequate emergency exiting, which would be nugatory, or, on the other hand, you cannot build it because, when you get towards the end of the process, the people who pass the emergency exiting as acceptable say, "No, it is not"? Is that not something that stares you in the face and says, "We have a serious problem here"? Even Antoinette McKeown was talking about it in the 'Belfast Telegraph'.

Mr May: I have explained the process that exists. There was no way in which a stadium could have been built for which there would not have been the appropriate capacity to use it. The STG signs off at three stages: planning, pre-construction and after construction. The issues, as I have already identified, would have needed to be resolved in order for the construction notice to be issued.

The Chairperson (Mr McCausland): If the judicial review had not taken place and the thing had not been put on hold, it looked to most people who were looking at the way things were going that the planning application was rushed in very quickly with what, in many people's view, is a totally unclear reading of an email, an interpretation of an email that was different. The point has been made about sports being treated differently. It seems to some of us that the GAA was given almost preferential treatment. It was treated more lightly than the demands being put on football and rugby in what constituted a sign-off by the STG. It seems as though there was a light touch here. Is this not endangering the whole project? That is why we have ended up in a position where the whole place is lying derelict. There is a dereliction. Instead of delivering a stadium on her watch, the Minister has delivered nothing.

Mr May: I do not agree. Different standards were not applied. We have already rehearsed the fact that the safety technical group came into existence at a point in time during the programme. The

same approach was being adopted in relation to all three stadia and, exactly for the reasons that you have outlined, it would have been against all our interests to proceed to planning without the STG having indicated that there was the potential to get the S factor and P factor that was set out because that would be storing up a problem for later in the process.

The Chairperson (Mr McCausland): Yes indeed, but there is the potential to do that, as it says, if you go in and buy up houses and demolish them or if you buy up gardens. That is the thing. Why was that not flagged up? Maybe it was that people knew and they just did not want to know.

Mr May: As I have said, the first time that the issue around the Andersonstown Road was drawn to my attention was in autumn 2013. It was after that that contingencies began to be thought through, to my knowledge. I am not saying that other work was not done prior to that.

The Chairperson (Mr McCausland): We have got all the emails floating about in May and April, long before that went in in the autumn.

Mr May: The email in April was not specific to the Andersonstown Road; it related to emergency exiting more generally, which is always a feature of any major build.

The Chairperson (Mr McCausland): If the only entrance is on the Andersonstown Road —

Mr May: It is not the only entrance.

The Chairperson (Mr McCausland): Well, virtually.

Mr May: Most of the entrances are on the Andersonstown Road.

The Chairperson (Mr McCausland): What percentage?

Mr May: As I said, most of them. I do not know the percentage.

Mr Hilditch: It is 70-odd per cent.

The Chairperson (Mr McCausland): Seventy-odd per cent are on the Andersonstown Road, and you have a couple of smaller points elsewhere. In other words, the two were effectively one and the same.

Thank you very much, Mr May, for coming. I have to say that quite a few Committee members are very dissatisfied with the way in which all this has been handled. We are left in a situation where the Assembly term is coming to an end and, still, a lot of money has been spent with not a brick laid. Thank you very much.