



Northern Ireland  
Assembly

Public Accounts Committee

# OFFICIAL REPORT (Hansard)

Inquiry into Major Capital Projects:  
Department for Infrastructure

8 July 2020

# NORTHERN IRELAND ASSEMBLY

## Public Accounts Committee

Inquiry into Major Capital Projects: Department for Infrastructure

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

Mr William Humphrey (Chairperson)  
Mr Roy Beggs (Deputy Chairperson)  
Mr Cathal Boylan  
Ms Órlaithí Flynn  
Mr Harry Harvey  
Mr David Hilditch  
Mr Maolíosa McHugh  
Mr Andrew Muir  
Mr Matthew O'Toole

**Witnesses:**

|                     |                               |
|---------------------|-------------------------------|
| Mrs Katrina Godfrey | Department for Infrastructure |
| Mr John Irvine      | Department for Infrastructure |
| Mr Kyle Bingham     | Northern Ireland Audit Office |
| Mr Kieran Donnelly  | Northern Ireland Audit Office |

**The Chairperson (Mr Humphrey):** Members, we are now back in public session. I welcome Mrs Katrina Godfrey, permanent secretary and accounting officer, and Mr John Irvine, director of major projects and procurement in roads division, from the Department for Infrastructure (DFI). Good afternoon. Mrs Godfrey, do you wish to make an opening statement before we commence questions?

**Mrs Katrina Godfrey (Department for Infrastructure):** I have a few words, Chair, if that does not inconvenience the Committee.

**The Chairperson (Mr Humphrey):** That is fine.

**Mrs Godfrey:** I am conscious of time. Thank you for the opportunity to provide evidence on the report. Also, thank you to the Committee and staff for accommodating us in a somewhat later slot than originally planned. We are very grateful for that.

By way of context, it is worth my saying that, as the holders of by far the largest capital budget of any Department, we know how important major capital projects are to society and the economy — now, more than ever, as we move into recovery. We also know, perhaps more than most, just how complex major capital projects are and how challenging they can be to deliver. The report provides a really useful opportunity to focus on those challenges and to use it as a learning opportunity in renewing the debate on how we can overcome those challenges. We are very conscious that the report focuses on a number of projects that my Department carries responsibility for, and it presents a mixed picture. It contains some really good examples of successful delivery. However, it shines a light on some of the

challenges and complexities associated with some of the major projects that we are working to advance. It is absolutely right that we are scrutinised on them.

I want to make the point that many of those challenges are not unique to DFI or, indeed, Northern Ireland. Governments across these islands and, indeed, beyond are grappling with those challenges and learning from them. As the report recognises, they include legal challenges and funding uncertainties. A particular challenge for me as an accounting officer relates to how we are funded. When we are looking at major transport- and water-related infrastructure, we are looking at plans that last decades into the future, yet, at the moment, we continue to do so within one-year-budget horizons. That presents real challenges.

Earlier, John and I were chatting and reminding ourselves that Highways England, for example, has a five-year investment strategy that is legislated for in statute. Officials there reckon that, before they even get going, that is, probably, a 20% benefit in value-for-money terms because they can plan over a longer period. Our job is to find ways of overcoming those challenges and ways of doing things better, so we very much welcome the report. We welcome, in particular, the focus-group approach, which allowed us to contribute very openly in sharing some of the challenges and lessons that are part of the report. We also welcome the recognition of the approach that my Department takes to the oversight and delivery of major projects, particularly on the construction side.

My final point is one that you understand, Chair: we await the independent inspector's report on the A5, which is one of the case studies, following the public inquiry. We will do our best to answer the Committee's questions, but it is really important that I do not pre-empt or prejudice the inspector's findings, because those will be crucial in helping us to determine the next stages. You have just had a very detailed conversation about the Casement Park stadium. You will know that that project is the subject of a live planning application. That is at a crucial stage and approaching a key decision. It is really important that I do not do or say anything that would in any way prejudice or impact on that process. We need to preserve the integrity of the planning process. I am very happy to talk generally about planning but not about the specifics of any individual application. Other than that, John and I are very happy to give you as much information as we possibly can.

**The Chairperson (Mr Humphrey):** Thank you very much. Just before we move to questions, I suggest that, in the interests of complying with COVID regulations, you move slightly further away from each other.

**Mr John Irvine (Department for Infrastructure):** Yes.

**The Chairperson (Mr Humphrey):** Thanks.

Thank you very much. We appreciate your flexibility and understanding. We, as a Committee, took a joint decision with you and your counterparts in the Department for Communities not to ask you to give evidence earlier, because you were dealing with issues of life and death. That was much more important, however important this is, than dealing with Committee meetings at that time. Now that you have concluded your opening remarks, I will move to questions.

**Mr Hilditch:** On the overall picture of commissioning and delivering projects in Northern Ireland, do you agree that the system, as a whole, is not fit for purpose and works against your best endeavours to deliver?

**Mrs Godfrey:** I certainly agree that there is much room for improvement. Given the report that we have in front of us, it is hard to disagree with that. I am also very conscious that the area in which John and I work has a level of expertise and specialist knowledge that is acknowledged in the report. It was also acknowledged in the SIB report and the 2013 Confederation of British Industry (CBI) report. That gives me an interesting perspective from this Department as compared with working in other Departments previously, where capital projects had to be dealt with and managed much less frequently. We have a huge amount of very professional and well-qualified expertise. We have economies of scale. We have three centres of procurement expertise (COPEs) of our own: the Department itself, NI Water and Translink. The test for me is the evidence on how moving and changing the approach would give us better results, but all of us have to be absolutely open to the evidence.

**Mr Hilditch:** Are you open enough to say that the system needs to be overhauled and reformed?

**Mrs Godfrey:** With any system that looks at major projects, you would be a fool to say that there is no scope for improving and doing things better. There is no doubt about that. The report goes back to the 2013 recommendations on the centralisation of construction procurement. Whether that is done in a massive centralisation programme or, maybe, in a smaller number of centres of specific expertise is a debate that we should be having.

**Mr Hilditch:** From a lay person's point of view, what sits on the table at the minute and what has been delivered and whatnot do not look great. However, you come at this from the professional end of things, and I expect you to look at it from that end. On planning itself, it appears that some 40 capital schemes in Northern Ireland await planning permission, and about half of those have been waiting for more than five years for a decision. What do you say to that?

**Mrs Godfrey:** There is an individual story behind every one of those schemes. I have looked closely at many of them. As to the general reasons for delay, there are a number of aspects, one of which is the legal challenge process, which you have talked about already. It was a subject of conversation at the very start of the Committee's taking evidence on this.

You touched on this earlier: it is important to get the pre-planning engagement right. We spend a huge amount of time on the engagement side, particularly on road projects and things like Belfast rapid transit. If it is helpful, John can set out how we do that on major schemes. If we get the processes and engagement right, we have a much better sense of where the concerns are and where the likelihood of challenge lies. The other thing that I have to mention about public-sector planning projects is the funding. We have to make sure that we have certainty of funding.

**Mr Hilditch:** There are opportunities at the moment. Coming out of COVID, we will be very keen, and the granting of planning permission will be crucial to the economy's moving forward. Do you see things picking up in the next few months in getting more of these projects over the line?

**Mrs Godfrey:** Interestingly, last week, we published a set of performance statistics on planning, which, hearteningly, shows quite a bit of improvement in the time that it takes for overall planning and major planning applications. Regionally significant applications come to the Department and sit there, and I am very familiar with a number of [*Inaudible*], and we are dealing with some of those. One of the things that I initiated on coming into the Department — coincidentally, John led that work for me — was a review of the role of statutory consultees in the planning process. A lot of the feedback that I got was that, sometimes, it was Departments, including mine, that were so —

**Mr Hilditch:** I was going to come to the consultees.

**Mrs Godfrey:** — slow to provide the input. Last year, when I took up post, I kicked off a review of the process of statutory consultation to see what the barriers and issues were. John was wearing a slightly different hat from the one that he wears now, and he led that review. It has given me a number of recommendations that I am taking forward, one of which is the creation of a senior lead at the planning forum, which tries to ensure that there is visibility of major applications. The report of that review was very helpful in pointing out the issue of whether you see planning as a process or as an enabler — we often miss that in planning terms. For me, there is something in seeing planning as an enabler for shaping this place, how it looks, how it works —

**Mr Hilditch:** Absolutely.

**Mrs Godfrey:** — and how its economy flourishes. I wonder whether we have, for too long, thought about it as a linear process rather than as an enabler for growth and well-being and the sort of aspiration that we set out in the draft Programme for Government.

**Mr Hilditch:** What do you do in the instance of consultees who have been dragging their feet? I know, as an elected Member dealing with planning applications and representing folk, that, sometimes, you need a big stick to get them to respond. What do you normally do when you are pleading for a return of information?

**Mrs Godfrey:** The first thing that struck me as important to do was to shine a light on it and make sure that we knew where things were. One of the current functions of the planning forum that I established is to add visibility. There is nothing like looking at something. I know that that is very obvious, but it does not mean that it is not true. It is important to know where major and significant applications are.

The people in charge of those areas, at senior level, must know the reasons for delay. Sometimes, we cannot do anything about it: things are incredibly complex, and they take time and more resources than a Department or agency might reasonably have at the time. We should start to have the discussion and debate about what needs to be done, how long it might take and where it is now. That has been remarkably effective in giving people confidence. It also sends out a signal that this matters and that it is important. Certainly for me, in a new Department that brought together planning with statutory consultee roles, there is the very obvious point that you cannot tell other people to put their house in order when you need to do so yourself. For me, that was a really good starting point.

**Mr Hilditch:** It must be frustrating from your point of view.

**Mrs Godfrey:** It is, but imagine what it looks like if you are an applicant or a person who is concerned about an application.

**Mr Hilditch:** Or a businessman who is prepared to put a large amount of money into an area for the economy.

**Mrs Godfrey:** I am seeing a much greater recognition of the contribution of planning to economic and community development. I am seeing that through focusing on it and trying to make sure that there is not just a long list somewhere but an understanding of the potential of that list. John, your report started to look at the value of planning for the first time in a long time.

**Mr Irvine:** Yes. I did the report last spring, and it was a short, sharp report. I engaged with all the statutory consultees, the builders and the construction industry to take their mind on things.

A couple of key things came out of it. One of them is that, for investment purposes, planning is part of a critical path and, if it is held up, the investment process gets stymied. Coming out of that was a recognition of the need to have ownership of the outcomes and delivery on the statutory consultee side. That is important.

The other key thing that came out of it links to the pre-application consultation and the quality of the application. If a statutory consultee gets a quality application, there is a better chance of it going through. There is an issue there about the level of the bar for a valid application and the quality of the application and about encouraging planning authorities and applicants to deal with planning applications at pre-application stage and to do all the hard yards then, before the application goes into the system.

**Mr Hilditch:** I know that a lot of applicants have tried that and have been successful to a certain degree, but it has still taken a long time to go through the system.

**Mr Irvine:** As Katrina said, hopefully, my report shines a light on this. We now have a forum of senior leaders to try to take this forward. The title of the report was to improve the responsiveness of statutory consultees in the planning process. They are one element of the planning process but an important element. Hopefully, we have taken cognisance of some of the general points that you made and have moved on.

**Mr Hilditch:** Thank you. Moving on to community engagement, what could be done better on that front? Sometimes, you can hit a wall when you do not expect it, at some point in the future, when you think you are already over that hurdle.

**Mrs Godfrey:** That is one of the areas where there are huge lessons to be learned around understanding how things look from different perspectives. We have the perspective of an applicant; it could be a public provider or a business person with ambition for jobs and growth in an area. We also have the perspective of those who live in the area. It is about understanding those and the engagement that draws those out. The other thing worth mentioning in that context is the local development planning process, because that allows for a level of engagement at council level to set the vision and priorities for an area.

**Mr Hilditch:** Most of the 11 councils have done that by now.

**Mrs Godfrey:** They are in the process and are at various stages. Some of them are at an advanced stage. One or two are waiting for a public inquiry. Some are further down the track, and that is

understandable. The community plan and local development plan provide the opportunity to have the conversation about, "What are our ambitions for this place?", which is a far more powerful conversation. You can then route development and applications into that wider vision. It is also a critical issue for roads. For example, we have seen that very clearly with the A5, and it is one of the reasons why we have had the challenges that we have had. We have increasingly adopted a very open response in setting everything out at every stage. There should not be surprises for people who are concerned or would say, "I did not know that that was going to happen".

**Mr Hilditch:** It used to be that a letter drop went out 90 metres from the site or so; something along those lines.

**Mr Irvine:** Generally, in major road schemes, you start off with a preferred corridor and then you get into different routes in the corridor. Generally, we come up with some sort of public-consultation letter drop, take people's views, and then gradually refine the scheme down to the preferred route. Then, it is the preferred route that goes through the statutory processes. Certainly, from the roads perspective, there is a lot of engagement at the early stage — you may have a red line, a green line and a yellow line — to try to get people's views and refine the scheme in order to get the best fit. You cannot please all of the people all of the time. However, if you can get to a point where you can get the best option, you have a better chance of getting that through.

**Mr Hilditch:** You would have a public event as well, potentially.

**Mr Irvine:** Absolutely; there are public events. At preferred-route stage, you present your different coloured routes, take people's views and engage. That happens for all major road schemes. Even, actually, for smaller minor-works schemes, there is a degree of public engagement.

**Mr Hilditch:** Is it just settled at that now, or do you think that you could do something better?

**Mr Irvine:** Well, never say never. We are always open to different ways in which to do things. It goes back to what I said about planning; the more pre-application consultation you have, the better chance you have of getting things through and delivering. It is all about delivering on time and on budget. Therefore, we should probably always focus on sharpening up the consultation.

**Mrs Godfrey:** With Belfast rapid transit (BRT), for example, a completely different approach was taken to community engagement as part of the development of BRT1, because of the change that was being introduced and the impact of things like 12-hour bus lanes. There was a real requirement to do something different and actually go out and talk to communities along that route. It was interesting when we were closing that project down a month or two ago, and we had the gateway 5 review. One thing that the gateway reviewers commented on was the importance of that community engagement, in real terms; not just in sending out a letter or by an official Government statement, but by actually talking to people about their fears and concerns and how we would respond to them. Hopefully, as we move forward with BRT2, we will build on that learning, take it forward and not repeat the harder lessons of BRT1, because we have already learned them.

**Mr Muir:** Thank you for your evidence. I agree that there is an issue with budgeting. Having a one-year budget is suboptimal — that is probably the most diplomatic way in which to put it — for being able to plan. I appreciate the efforts that are being made and, as you were saying, the light that is being shone. However, we are in a critical position now. Evidence shows that we face the worst economic recession in history. Although we can borrow up to £200 million of capital funding, we are not borrowing one penny because we cannot spend it. We surrendered capital funding at the end of last year because we were not able to deliver projects. We really need that investment in order to be able to drive job creation.

One issue in Northern Ireland is that when an application goes through and you hear that approval is given, the next thing that you are waiting for is a judicial review. What can be done practically in order to try to ensure that we do not have the inevitable judicial review that will delay an application?

**Mrs Godfrey:** From my perspective, without getting into a commentary about the judicial review process, the best thing that we can do is to make sure that we follow processes and do that with engagement. The risk with that is that it takes us longer. We are more cautious and risk-averse because we know that the stakes are high and that, if we end up being challenged, it will take time.

The A6 project is a really good example. The courts actually dismissed that challenge and appeal, but it still cost us at least a year and £10 million in costs for that project.

Nothing is risk-free, but, for me, the three things are the engagement, making sure that we are robust in our processes and making sure that we are as up to date as we can be on things that move very quickly, like the position on environmental case law. Things change almost daily. You do not even have to look locally to see that. You can look at something like the third runway decision, and we then have to try to pin back what the implications are for us from that. We have to consider the latest position on environmental case law and what we need to do. It is tricky. There is no point in pretending that it is not. The only way that I can think of to lower the risk is to do the processing, take the advice and make sure that we are as up to date as possible in understanding what the latest position is. It does make us more cautious. There is no doubt about that. However, we know the cost of delay when challenges do happen, and I would really rather that we got it right first time.

**Mr Muir:** I understand that, but the delays are quite significant. There are two applications sitting there for 13 years.

**Mrs Godfrey:** Yes.

**Mr Muir:** To be honest, those scales of delay are scandalous. Whilst we are waiting for the legislation to pass, in light of the Buick judgement, for the Minister to take decisions, I do not know whether there is any confidence that, once that legislation is passed, we will be able to get decisions and get through those applications.

**Mrs Godfrey:** The examples that you quote are examples of where decisions were taken and then opposed and then went into a process of public inquiry. In two of the examples that I know were in the question that we answered recently for you, those were not cases of decisions not being taken but were cases of what happened after the decision was taken.

**Mr Muir:** Is there a feeling that Northern Ireland is unique in this regard or is it something that, you feel, is common across the UK? I know that other jurisdictions would approach planning applications like this in a different manner.

**Mrs Godfrey:** I do hear anecdotal feedback that sometimes the bar is perceived to be lower here than elsewhere, and we have had some really good conversations with industry representative bodies. Some of them were with you and the other Committee that you sit on, a couple of weeks ago, where you talked about this. There is some work under way, including from the Audit Office, to look at the whole area of judicial review, but, for me, the only thing that I can think of doing at the moment is trying to make sure that our processes are as watertight as they possibly can be, so that, if a challenge comes, it does not have grounds.

**Mr Muir:** I agree with you that the standard of some applications needs to be improved. From my time on the council, I know that applications were coming in that were not of a sufficient standard and were then being delayed because a lot of work was being done to try to make the situation one in which the application was able to be considered for approval.

Once the applications come in, has any consideration been given to having, for example, processing agreements so that statutory consultees can get their responses back on time and we can get that over the line? I think that the situation is that, once the applications come into the system, we are just waiting on a wing and a prayer for the statutory consultees to come back with their response. The difficulty is that, particularly in these times, we need these developments to proceed to enable economic growth, but they are being held up because of statutory consultees.

**Mrs Godfrey:** That goes back to the point that I started with earlier around looking very specifically at statutory consultees. At the moment, unless they agree an extension, statutory consultees have a 21-day target. The latest figure that I have has improved, and I think that the average is now about 71% across all statutory consultees. You will quickly point out that that is 29% that are not achieving it. For roads, in my Department, it has improved this year by a couple of percentage points, but, actually, I am talking about a volume of something like 11,500 individual planning applications coming into a part of my organisation that is 25% smaller than it was four years ago. There is a focus and a leadership job to make sure that people understand the wider economic importance of some of the applications. There is also, no doubt about it, a capacity issue with that sort of volume.

**Mr Muir:** Finally, the whole issue of the skills and capacity of the Civil Service to do this has been considered in a report by the Northern Ireland Audit Office. In particular, the ability to deliver infrastructure projects has been a real issue, and previous reports recommended having a centralised body to bring those skills together and drive delivery. Why have we not seen that? We hear, constantly, reports of silo working and Departments working on their own projects. There is not one centralised body. We are told that SIB is there to give that assistance, but the evidence that I have outlined does not act as great testament to the ability of SIB to deliver.

**Mrs Godfrey:** We have significant in-house expertise, more so than any other Department that I have worked in. One of the things that I have done in reorganising things within the Department is to bring together the major procurement in the directorate that John now heads up. We therefore have a major projects and procurement directorate with a specific focus. John can speak for himself, but he has been through the major projects leadership academy qualification, which is seen as the gold standard for project and programme management. We have a significant number of professionally qualified staff, including, as you might expect, a significant number of chartered civil engineers who have project management at their core. As well as that, we have a number of procurement professionals. John, you might want to say more about that.

I am keen to look at how we do more of that and at how we share our expertise. I trained to be an accredited gateway reviewer. That is small beer compared with John's qualifications, but the insight into that process carries with it huge learning for all of us. The concept of continuous professional development, for any one of us, has to be part of who we are and how we do things.

**Mr Irvine:** We can always improve: we are not a perfect organisation. In the Department, I manage the centre of procurement expertise in Roads and Rivers, and our organisation has a specialism in civil engineering. There are probably 900 professional technical staff in the organisation, and, as Katrina said, about 100 chartered engineers. When you work that down to project and programme management professionals, you see that we have a body of 15 to 20 qualified people, and more are always coming through the system. I cannot remember the number of the procurement guidance note (PGN) for programme delivery that CPD produces, but there is guidance on this, and we try to align with that. A new dear accounting officer (DAO) letter, 02/20, raises the bar again. We are a professional organisation, and it is recognised by the CBI and in the report that all three centres of procurement expertise in the Department have a degree of professionalism, but we can still improve.

This number might be helpful: in the past five years, for example, we have delivered £1.1 billion of contracts. We deliver significant capital projects, beyond those that are referenced in the report.

**Ms Flynn:** Thank you for coming along today. I am not asking you to address Casement Park specifically, but it seems that the Department for Infrastructure's Roads division takes the longest time to respond to statutory consultees on major projects, including Casement. Is there a reason for that? If so, can that cause be addressed?

My second question is on the Belfast transport hub. The original business case, in June 2017, had assumed that planning permission would be received by September 2017, but that application was called in by the Department for Infrastructure because of its regional significance. That led to planning permission not being given until March 2019. Why did that planning decision take so long?

I will touch on some of the comments that you and John made. I was interested in what you said about taking a refreshed look at the planning system and looking at it as more of an enabler. You pick that up when you hear about the planning process. It becomes a negative at the outset, and the question arises as to whether that has repercussions down the line for the people in the process. You also mentioned the Belfast rapid transport system. I am from West Belfast, and I have to say that the community engagement was fantastic. Even when that project was launched and coming on-site, there was great engagement, and the community was aware that it was happening. The conversation that we are having about community planning and engagement is interesting because there was still a lot of anxiety and nervousness: it was new, and it was a change. However, I am delighted to say that, since the project went live, it has gone down wonderfully with constituents and is extremely popular and successful, so, thank you very much.

**Mrs Godfrey:** Thank you. I will start with the transport hubs. You are quite right; the Department called it in in 2017. That was one of the decisions that we could not take for the period when we were without a Minister, but it was one that I was responsible for taking as soon as we could, which was when, following the Buick appeal, the Executive Formation and Exercise of Functions Act 2018 was enacted



to allow us to take decisions. Once we were in a position where somebody could take a decision — unfortunately, it was not a democratically elected Minister but a civil servant — we were able to take it, and, from my perspective, it was taken as quickly as we could appropriately take it. The project is on the ground now, and anybody who goes past the site will start to see the first signs of the enabling works. It is an example of planning as an enabler, because it is not a bus station or a train station; it is a significant regeneration programme for that part of the city, which is really powerful.

I will now turn to Roads. I made a point about the statutory consultee process earlier. At the moment, performance has gone up from 71% to 73%, which means that there are still more than a quarter that we are not doing on time. However, I know that some of the applications are incredibly complex. Without speaking about any one in particular, a transport assessment of 18,000 pages, as one example, gives a sense of the amount of work that has to go into making sure that it is properly assessed, tested and considered and that feedback is provided. There are times like that when the size of the task, in a way, helps to explain the length of time. I do not doubt that, from the applicant's perspective, it must be hugely frustrating to have to wait. I am determined to improve our performance. As I have said before, I take the view that we cannot be the Department responsible for planning and not also be one of the better-performing statutory consultees. I have a very clear focus on that at the moment.

You are absolutely right about Belfast rapid transit. John will be the senior responsible officer (SRO) for BRT2 if we, hopefully, get the green light for it. One important thing will be to capture that learning. I came into the Department just as BRT1 was going live, and I know from the conversations that we had that, even about things such as parking outside schools and how that would work with bus lanes, people had real concerns. However, they have seen what is possible. I will leave aside the challenges of the moment around COVID and public transport. We were able to show what was possible, and I think that BRT2 will be much easier because people can see that it is good and that it works. For me, there is still something about looking to be a modern, forward-looking city when you see the Glider coming through the city centre or heading out west or east.

**Mr Beggs:** I want to go back to Mr Hilditch's original comments about the 40 large capital projects, 20 of which have been with the Department for more than five years. Can we have a list of those, a sense of where they are and the reason for the gross delay? That is quite extraordinary, and a list would be useful. I picked up on your earlier comment that problems in procurement and large capital projects are not unique to Northern Ireland. Do you accept, however, that the scale of the problem may well be unique to Northern Ireland?

**Mrs Godfrey:** In procurement, if you look at, particularly, major road procurement and major road construction projects, you will see challenges right across these islands. John, in our work with Highways England and others, we see those time and time again, and they take different forms.

I have been monitoring, for other reasons, the progress of a couple of the roads that I travel on in Scotland from time to time. I have been listening to and looking at some of the problems that they encountered, and they are very close to some of the issues that we recognise in the challenges that arise from coming across things that were not necessarily expected. I am thinking, John, not just of the environmental issues but of some of the archaeological issues in the early days of some schemes.

**Mr Irvine:** There are environmental challenges, procurement challenges in, say, tendering, and, as you mentioned, the planning challenges. Those are not unique to here. I am aware of projects in the Republic of Ireland and, of course, Great Britain that are challenged.

**Mr Beggs:** Do you accept that the perception of the construction industry, and even of the development industry, is that, with any large-scale project, planning and development are more difficult in Northern Ireland than elsewhere?

**Mr Irvine:** Yes. I heard the evidence from the Construction Employers Federation (CEF) to the Committee in March, and I recognise that it said that. It also said that not all challenges were vexatious, so I think that the point being made was that government clients need to try to get it right first time. Yes, I sense that frustration. Getting it right first time is what we strive to do. It is a difficult process, particularly in procurement: when you get into the very small legal details, it becomes quite difficult.

**Mr Beggs:** Do you accept that, with delays, there is a cost to the public purse, there is a cost in the loss of service, there is a cost in the loss of private developers who may not come, and there is a cost to our economy and jobs?

**Mr Irvine:** Absolutely, and it is the same point that I made: if you imagine a critical path with planning in the middle of it, and planning is delayed, the investors that you want to come will decide to go elsewhere.

**Mr Beggs:** Figure 3-2 on page 38 of your report is quite revealing. It highlights many of the projects with cost overruns. There have been five with design changes and seven with scope changes. I am aware that making changes mid-project can be very expensive. First, you may have a contractor in place, and, at that stage, that is his to negotiate. Secondly, the early design is wasted. How can ensure that we get the design and scope right at an early stage?

**Mrs Godfrey:** I know the table that you mention. It shows the Castledawson stretch of the A6 as the DFI project that had a particular issue with design change. It might be worth picking that one up, John.

**Mr Irvine:** That is a very specific issue with a junction, which maybe fell out of some of the issues around the inquiry.

In general, a road scheme is taken through various phases. Once we get through procurement and move to construction, unless there are specific ground issues or something like that, generally, we progress as planned. The A6 issue was specific to a junction that had to be taken out of the process, and it related to specific planning permission.

**Mr Beggs:** Take the critical care unit: it started as a six-storey building and ended up as a 10-storey building with helipad. That was a huge change to the design, so, all that early design was wasted.

**Mr Irvine:** I totally accept that, although, given that the unit is a building, it is for others to comment on. In Roads, we go through a process to get to a point at which we can go to procurement. I accept that there can be changes after that, but, generally, I would like to think that we do not have many of those.

**Mr Beggs:** That table shows that five had tendering issues, and five had legal issues. Why?

**Mrs Godfrey:** The legal issues with the A5 and A6 are well documented. We did not have challenges on the other projects, but the A5 is very well documented in the report. There have been at least a couple of legal challenges: one a number of years ago and one more recently. The most recent one was in relation to whether the Department should have taken the decision to move ahead with the vesting orders and the statutory processes. Having come into the Department, the priority for me became to get that out of court because the advice that I had was that we were not going to win it. The priority was to get it back to a position where a fresh decision could be taken. That process has now completed its public inquiry stage, and we are awaiting the independent inspector's report, which we hope to get in the next couple of months.

The Randalstown or A6 legal challenge is, again, well documented in the report. A legal challenge was brought against the Department, which was not accepted by the court. If I remember correctly, the judge said that the Department's actions in that case had been logical and rational. Case dismissed and appeal turned down. However, as I said earlier, there was still cost in terms of delay. In that one, the cost was not proportionate to the time taken. There was a particular issue there with swans, which you may remember. People who know the route may remember that, under the environmental steps that we took, we agreed that, for part of the year, we would not do any work in proximity to the protected site. If I am correct, John, that meant that, if you missed that window, you actually missed a full year.

**Mr Irvine:** Yes. To come back to your point on that table, the scope change was due to —.

**The Chairperson (Mr Humphrey):** Folks, I want to keep to the COVID-19 regulations here. It really would be better if one person could answer questions. I am happy to let you carry on, but from now on.

**Mr Irvine:** Apologies.

**Mr Beggs:** Page 29 of the NIAO report refers to an Organisation for Economic Co-operation and Development (OECD) report of 2016, which made a number of recommendations, among them the need to:

*"Clarify and harmonise the roles of relevant stakeholders in the commissioning and delivery of major infrastructure projects."*

I only really learned about how complex the process is from the same section of that report. There is the Procurement Board, the Strategic Investment Board, the Department of Finance, Construction and Procurement Delivery, and the specialist centres of procurement expertise. Do you accept that we have a system that is overly bureaucratic and complicated and which adds layers and costs money?

**Mrs Godfrey:** The OECD report was interesting because it focused very much on the efficiency of process, as you say, but also on the use of expertise. From my perspective, it is reasonably straightforward; maybe it is because I am a civil servant and things look straightforward to me that may not to normal people. The Procurement Board sets the policy; it sets out the Government's approach to procurement. However, decisions on how to procure are set by centres of procurement expertise. For me, that is reasonably straightforward. For most of the procurement that we do, we have one in the Department, one in Translink and one in NI Water, which are fully accredited and recognised as centres of expertise. So, it is possibly slightly more streamlined for me than it is for other Departments, but there is undoubtedly always room for improvement. I am very conscious that some of those decisions are definitely decisions for Ministers. It was proposed before. The report references the process that went through and there was not agreement to make some of the changes that were recommended.

**Mr Beggs:** I have to say that I do not understand how all those different bodies interact in the process. I would like a more detailed explanation. I do not understand it, so I am sure that the public has difficulties.

**Mrs Godfrey:** I was going to say, and John referenced it earlier, that updated guidance came out very recently on best practice in project delivery. It sets out new benchmarks that we are all working to follow, which are designed to make sure that there is a stronger focus on things like project and programme management but also on the responsibilities of the senior responsible owner. Great efforts are being made to make sure that best practice is captured and communicated. It then falls to people like me to make sure that it is taken and embedded in the Department.

**Mr Beggs:** Finally, I have heard from some of those involved in the industry that there can even be vexatious judicial reviews from unsuccessful competitors, as a delaying or blocking mechanism, at very limited cost to those doing it, given the scale of the project. The GB legislation has changed so that those who do something like that might suffer some of the cost to the public purse and the cost of loss of public service. They could be eliminated if our legislation was updated. What do you say to that?

**Mrs Godfrey:** That is entirely a matter for Ministers and the court system. I have to work within the legislative and judicial arrangements that apply. I know that others are looking at that and that the Audit Office is looking at the threshold for judicial review. You are right that it is different elsewhere. As I understand it, in England, costs may be linked to the potential costs awarded as a result of the outcome of the review. Here, that is not the case. It would be wrong for me to comment on something that is not part of my responsibilities. That has to be dealt with at political and judicial level.

**The Chairperson (Mr Humphrey):** To be fair, a number of months ago, it was your responsibility. So, really, the question there is —.

**Mrs Godfrey:** You have confused me now, Chair.

**The Chairperson (Mr Humphrey):** We did not have Ministers.

**Mrs Godfrey:** Yes.

**The Chairperson (Mr Humphrey):** You made the point that you made the decision about the Belfast hub. So, to be fair, if you go back in time, you might be able to answer that question.

**Mrs Godfrey:** But my Department has no remit in determining how the judicial process works.

**The Chairperson (Mr Humphrey):** No, no. I do not think that you need —.

**Mrs Godfrey:** In the planning process? Absolutely, yes.

**Mr Boylan:** A lot of the questions have been asked. Planning is one of the major factors in the Audit Office report. Delays lead to costs; you would have to admit that, Katrina. Take Casement Park, which we just discussed, where you see serious costs. There is going to be a review of planning. I do not think that it is robust. There are all the things that members have mentioned. The pre-application discussions have worked in some cases, but people will say to you that it is only a discussion until you put a plan in place, and it is then that we shall see. How will we make that process more robust? Community engagement is at the heart of most projects, even big projects such as the A5 and A6. How you start is how you will finish. We need to put that in a robust mechanism, strategy or plan. Whatever way you want to do it, that needs to be first and foremost in what we put together. I would like your comments on that.

**Mrs Godfrey:** I could not disagree with that at all. We all know that, if we have the right conversations at the start of a project, we get a better outcome. John mentioned the challenges with the quality of some applications, but you cannot divorce those two things. If you have a conversation about what you are planning, you have an opportunity to hear what people think and what their concerns are, and you can develop the application so that it responds to those concerns.

We had a planning system for 40 years. We are now dealing with a planning system that is just over four years old. It is fair to say that we are still finding our way through a planning system that is in its early stages. To be fair, particularly to councils where the vast majority of applications go, we are seeing significant improvement. The processing time has come down significantly in the last four years. There is still plenty of room for improvement, but it is getting there. Every year, we publish a new monitoring framework that gives us information about how applications are being decided at Northern Ireland level and in every council. That provides for much more informed conversation on learning lessons; "Who is doing this really well? What are they doing? How can that be built into how other people do it?". Some of the engagement that we have had with the chief executives of local councils and with NILGA has been really effective in trying to find ways of providing learning and development but sharing good practice as well and letting people see examples of something that works well and trying to encourage that to be the way in which we do things more generally.

**Mr Boylan:** I agree with that, but the process is the starting point.

I want to move on to a couple of other quick points. You mentioned local council area plans. Unless they marry up with the regional development strategy, we will not go anywhere with it. They go through the process themselves and present recommendations to you, but there are 40 large capital schemes. Look at the past, present and future, and think about how we put a process in place to, first, deliver what was in the past. It may not be; I do not know the schemes. The area plans and the development strategy have to marry up. I am talking about only the planning; I am not even going to get in to the procurement process, which was in the audit, and how we do that.

The other point that I want to make brings me back to Drumclay crannog. A lot of members might not have heard about it; it is an archaeological site that is 1,000 years old, or maybe more, that was found in Enniskillen. My key point is that, in the past, the NIEA — I am not picking on it; there are more — as a statutory consultee, has, sometimes, been late in reporting. We have all that data, dating and maps going back to the 1800s. It was clearly identified, but there was still an error in identifying it. I am using that only as an example; it came out in one of the reports. We have all the data. My key point is that statutory consultees have a period of time. They have the data and the database now; they should be able to make an informed decision more quickly. I hope that that will be added in to the process when we do the review.

Chair, I have one final point, if I may. It is back to water and sewerage issues. There is no point in allowing the development of 20, 40, 50 or 100 houses if you do not marry it up with the sewerage treatment or whatever infrastructure is in place. We certainly have to look at all of that in the review of the planning process.

**Mrs Godfrey:** Picking up on that final point, that is a real concern to councils as part of the local development planning process. I know from the conversations that I have had with chief executives

that they have real ambitions for growing their areas and jobs and houses. We do not have the wherewithal to provide the water and sewerage infrastructure that they need. It is such a frustration. We know the level of investment that is needed. We are heading in to a price-control period from 2021, having come through one that will come to an end in 2021. The amount that we have provided for that period is, from memory, about £930 million. NI Water reckons — this is being tested at the moment by the regulator — that the amount needed for the next period is more than twice that. That is really to make sure that we continue to have something that, as some of us were talking about earlier, we tend to take for granted because it is under the ground. It is a huge concern in terms of how this place works and how its infrastructure functions. We have not, perhaps, had that sort of debate until relatively recently because it was not manifesting itself as a problem. However, it certainly is now. There are 100-odd places across Northern Ireland where there is constraint on development. Most of you will have some of them in your constituency.

**Mr O'Toole:** Thank you both for the evidence. I have a couple of quick points. The NIAO report talks about and you have mentioned multi-year budgeting and the fact that budgeting here being so short-term presents a problem. Will you outline a couple of examples of where that has been a problem and why?

**Mrs Godfrey:** Yes. In a reverse way, I can talk about some of the flagships to make the point that, when we know that we have five-year certainty, we can take decisions with a decent horizon. If we are talking about major capital projects, quite often we are not talking about just the very big things. I am looking at a capital budget that invests in the assets that we already have. If I know, over a five-year period, how much that budget is, I can take a completely different approach to planning how I spend that money to give much better value. I am convinced of that, and the evidence bears me out. We would have certainty. We would know that we were starting something that we had the wherewithal to complete. We would be able to phase and manage things in a much more effective way.

We will have an early opportunity to test some of that with the approach to the city deal projects. The city deals and the growth deals will have a capital budget for a period of between 10 and 15 years. Between all of us in central government and the councils, we will have to plan an approach to those capital projects so that they are affordable within that period. However, it will give certainty to the projects that are part of those city deals. We will see a different, much more considered, approach to their planning as a result. For water and sewerage, the next price control is seven years, but you actually have to look 40 or 50 years ahead. Not knowing what next year's budget is like is, for capital investment that is going to last a generation, hugely frustrating.

**Mr O'Toole:** I am asking you to editorialise beyond your role, but you are a very senior civil servant. Would you say that that is in any way linked to the general capital underspend, where we have a particular issue with financial transaction capital? That is a slightly different type of money. It is financing, rather than good for public spending. Do you think that is a challenge for you as a perm sec, getting money out the door, as it were?

**Mrs Godfrey:** I am in the happy position of having spent my capital budget last year and having spent anything that came my way that others could not spend. It is a point worth making that a lot of the jobs and economic growth are not confined to those very big projects. Simple investments in structural maintenance of our roads, water and sewerage systems have a huge multiplier effect on jobs. The more I get, and the more I have certainty on what I can get, the more chance I have of spending it effectively.

The other very obvious point for us is the importance of knowing things at the start of the year. Even in a single-year budget, the more certainty I have at the start of the year —. The very obvious reason is that we make most progress in the summer, when the nights are long and the weather is a bit more decent. The more I can start planning from the start of the financial year and not be reliant entirely on —

**Mr O'Toole:** Monitoring rounds.

**Mrs Godfrey:** — money coming on late in the year, the better value for money we can get. John, you have much more experience in that than me.

**Mr Irvine:** At a simple level, we do very small schemes — local transport and safety measures. However, if they span two financial years, you cannot start them, because you have no certainty. At a very simple level, having multi-year budgets allow you to programme and put things on a critical path.

Take another, bigger example: the A5. That was originally envisaged as being done in parallel, in three sections. That generates economies of scale. If you break it down into phases, you potentially lose those. So there are economies by having certainty over a longer period.

**Mr O'Toole:** Have you had any discussions about longer-term budgeting? I know that the Executive are looking at that. Is it something you have discussed with the Finance Department? You would be, in a sense, the Department that benefits most. There would be a multiplier effect for you, as a Department, through having access to multi-year budgeting. There is going to be a spending review this year. I do not know whether the Finance Department has approached and asked you.

**Mrs Godfrey:** We have had several conversations with colleagues in the Department of Finance. They are very supportive. They see the logic and the rationale. The idea of moving to multi-year budgets is also a commitment in New Decade, New Approach, and we have a spending review at national level kicking off shortly. I very much hope that that goes down the route of multi-year budgets, perhaps slightly longer for capital than for resource, because of the points that we have just made.

As we are heading into recovery — At the start of this year, pre-COVID, the CBI made the point that, for every pound invested in infrastructure, it got £2.92 of value. I have that sense of a capital budget in the order of £500 million and the economic impact that we could have — and will have — with that. An opportunity for a longer-term, better-planned budget would give us even more economic potential.

**Mr O'Toole:** Further to that — I will be very brief, Chair — when I was still at the Treasury, the UK Government started to publish these documents on infrastructure plans and pipelines. Some of that was a communications device, but that does not mean that it was a bad idea, because it gave the market, the construction industry and everyone else a sense of what was coming. Have we given any thought to doing that here — publishing a specific infrastructure plan or document that separates it out from other issues? Sometimes there are political and presentational issues with infrastructure development being conflated with other resource pressures. Do you see what I mean?

**Mrs Godfrey:** Yes. One obvious starting point is the investment strategy. When we were working on the suite of documents around the new approach to the Programme for Government back in 2016, we knew that it would be underpinned not only by a budget but by an investment strategy. I remain very keen to see an investment strategy that is not just a list of projects but actually talks about investing in the infrastructure that we already have and sets out a balance on what we need to invest to maintain what we already own. We own — what is it, John, about £40 billion? — of infrastructure assets that we are not maintaining to the right standard.

**Mr O'Toole:** Is £40 billion the number that are not being maintained to the right standard, or is that the total number?

**Mrs Godfrey:** That is the value of the assets.

**Mr Irvine:** It is the value of the assets. It is around £30 billion, actually

**Mrs Godfrey:** Is it around £30 billion? Sorry.

**Mr Irvine:** That is the value of the road asset.

**Mr O'Toole:** Those are your fixed assets in the Department?

**Mrs Godfrey:** We should be spending around £145 million a year on the structural maintenance of the road network. In a good year — this year and last year — we are spending £75 million. That means that the asset is still deteriorating, which at some point means that you will have to put more into patching and repairing. The real frustration for me is that quite often I have to fund that from resource budgets, because of the nature of some of the repairs. It comes out of resource, but a more effective financial planning regime for maintenance would have —. It is the "stitch in time saves nine" stuff.

**Mr Harvey:** Thank you, Katrina and John. It is great to have you with us. My question is on the A6 and the £11 million legal challenge. Obviously, the swans on this piece of road from Randalstown to Castledawson — I am not sure how long it is in miles — were not an issue at consultation stage. Can you give us a breakdown of the £11 million cost? Also, have any of the works to date had an impact on the swans?

**Mrs Godfrey:** John, I will let you go through the detail on that one. We have a breakdown, some of which I summarised in the letter to the Chair, but it might be helpful for John to go into more detail.

**Mr Irvine:** Very simply, the delay cost is £10.6 million. Of that, £8.6 million is for the delay to the contractual target; it is a target cost contract. The scheme was ready to go in August-October 2016, which is when the judicial review was taken. That delayed it until June 2017. Then there was a further delay because we lost the winter period, when works are not permitted on the Toome-Castledawson section. As well as the £8.6 million contractual costs, there was £2 million in consulting engineering fees and DSO costs. For a £189 million project, those are quite significant costs. It is a big number and, as a member said earlier, you could do a lot with a number like that.

Has it had any impact? Anecdotally, from what people who are on the site tell me, I do not believe that it has, but we carry out surveys, and the facts will back that up. I do not have the detail on that, but I am sure that, when we do the post-project evaluation, confirming whether there has been an impact or not will be a factor.

**Mr Harvey:** The job still went ahead, and the swans are still fine, so the £11 million was a waste, really.

**Mr Irvine:** It was the cost of a delay.

**Mr Harvey:** Yes. And £8.6 million was the cost of the delay, just because it had to stop for a while?

**Mr Irvine:** Yes. We have a contractual target, and the contractor has a work programme that he has to shuffle around, which is what impacts on the cost. Losing a winter was a big element of that.

**Mr Harvey:** OK. Thank you.

**The Chairperson (Mr Humphrey):** When I chaired the Infrastructure Committee, I chaired a planning conference. What struck me was the variance in planning among the 11 councils in Northern Ireland. How can that be the case? How do we get it standardised? They were all boasting that they were the best and other councils were the worst — I will not name them, to save them embarrassment — so how do we get that standardised?

**Mrs Godfrey:** The question in that is about what the right level of standardisation was when the decision was taken to delegate. Putting control of planning deliberately out to 11 local areas is inevitably going to provide differences of approach, because councils will have different ways of doing it, and they will have elected representatives who, as you know, will have very clear views on what "good" looks like. We should not be surprised at difference; going from 40 years of a single system to four, coming five, years of a delegated system will throw that up. The key thing for me is around the sharing of learning. Do we want everybody to be the same? Arguably not, or else the Assembly would not have decided to delegate planning. Do we want there to be a way of sharing good practice? Absolutely, and that is where things like the planning monitoring framework are really helpful because, as I always say, data does not give you any answers, but it does give you some cracker questions to ask about, when things look different in different council areas, why that is, and where the good lies. One of the things that we have done a lot of work on — the Northern Ireland Local Government Association (NILGA) and the Society of Local Authority Chief Executives (SOLACE) have been really supportive on this — is on how we bring people together more often.

**The Chairperson (Mr Humphrey):** That leads me onto my question. Do you bring the 11 chief executives in, talk to SOLACE and say, "How do we standardise this? How do we get better?" Yes, there can be a difference, and I get the point that you are making, but there cannot be a difference like some of the experiences that I witnessed that day, whereby something is more aesthetically pleasing in one part of the country than it is in another.

**Mrs Godfrey:** Yes, and that is something that we are picking up and putting a huge amount of effort into. The chief planner meets very regularly with the heads of planning in all councils. I have had the benefit of several conversations with council chief executives. We cannot get away from the fact that people are still learning how to operate in a system that is still relatively new. I take the point that it is not as new as —.

**The Chairperson (Mr Humphrey):** I get that. My concern — other members have raised this point — is about the financial and opportunity costs of these things not being as processed as quickly as possible.

**Mrs Godfrey:** I think that is a fair point.

**The Chairperson (Mr Humphrey):** Quite often, it is public money — taxpayers' and ratepayers' money — that is being wasted. You mentioned, Katrina, the service leaders' planning forum that you have established. What will be the benefit of that, and what will it do?

**Mrs Godfrey:** It is the statutory consultees: the Departments and the councils that have a statutory consultation role. My thinking was that having those people come together would mean, first of all, from a simple perspective, that you start to have conversations about the performance of statutory consultees. That in itself can have an impact because it moves things up people's agendas and they start to think about it more. It is about trying to work out what the barriers are. Are there any that are common across all Departments that might be best dealt with across all Departments? Are there any that are unique to individual Departments that might be best dealt with in that Department? It involves the sharing of expertise and trying to have conversations about major regionally and economically significant applications, making sure that the conversation is about, as you said earlier, the loss of opportunity.

Without taking a position on those applications and saying that they have to be approved or not approved, the people who put the applications in deserve a quicker response. The idea of the planning forum is, first, to take forward a number of the points and the findings that came out of the work that John did for me and also to start to have those conversations about how to overcome barriers. I have seen in some areas some improvement this year over last year, but I do not honestly think that I could put that down to the forum just yet. I think that it is too early, but I am hopeful that shining the light on having the discussions and getting people to think about the obstacles and the barriers and what they are will help us in overcoming them.

**The Chairperson (Mr Humphrey):** Do we have a private-sector representative on the Procurement Board?

**Mrs Godfrey:** We have a number of private-sector representatives on the Procurement Board now. That was a decision of our previous Finance Minister. In normal circumstances, the Procurement Board is chaired by the Finance Minister, and its membership comprises all the departmental permanent secretaries. It now includes seven external advisers, some of whom have very different private-sector expertise. In the current Procurement Board, I know that there is one from a major construction company and one from a social enterprise. There are different people with different experiences, and it is really interesting to hear how they talk about the procurement process. It looks very different if you are in a big multinational company or a big company than if you are in a small, two-or-three-man or -woman business trying to apply for government work.

**The Chairperson (Mr Humphrey):** Is there a rep from the Construction Employers Federation on it? That organisation did ask for that, I think, when it came to our meeting some time ago, and we raised that issue with the head of the Civil Service and Ms Gray. He thought that it was eminently sensible to do that.

**Mrs Godfrey:** Certainly, one of the external members whom I know is from a construction background. Whether they are a CEF rep, I honestly do not know.

**The Chairperson (Mr Humphrey):** Can you clarify that? The CEF was very keen that that should happen.

**Mrs Godfrey:** I will ask colleagues in DOF to clarify that. Absolutely.

**The Chairperson (Mr Humphrey):** Good. I will ask you about a constituency issue, but it is one that will affect the whole of Northern Ireland. It will affect hauliers, ports, the airports and the movement of product to the mainland. Are we any closer to seeing development on progress with the York Street interchange?



**Mrs Godfrey:** Yes. In fact, we discussed that at the Infrastructure Committee this morning with the Minister. She is very committed to the project. It is a commitment in 'New Decade, New Approach'. At the moment, there is a wee bit of work being done for the Minister to reassure her that the project is future-proofed, but I have no doubt that she will set out her position on that very soon. She is clearly committed to its delivery. As somebody who knows the area very well, she knows exactly some of the issues.

**The Chairperson (Mr Humphrey):** Obviously, my party secured the money in the confidence-and-supply motion in 2017, and we have not had any progress, none at all.

I will make one final point. Aesthetically, when you come into this city, the first thing that you see is the Rise, to give it its official name. I was on the committee in City Hall when we agreed on it and it was put in place. I make a plea that the Rise needs cleaned and the grass around the bottom of it cut. It is the first thing that people see when they come into Belfast, especially if they are coming up from Dublin Airport, and it is not very attractive at the moment. I just wanted to make that plea to you.

**Mrs Godfrey:** Thank you.

**The Chairperson (Mr Humphrey):** OK. This is hot off the press. I advise you both that — *[Interruption.]* Be very quick, because we are —.

**Mr Beggs:** It is about an area that was not covered, which is environmental legislation. The report advises that your Department has told the Audit Office that the court's interpretation of environmental legislation is causing difficulties and, in particular, that:

*"the nature of environmental legislation and its interpretation by the Courts, whereby information needs to be both comprehensive and current, perpetuates the development cycle when interspersed with delays through legal challenge."*

My question is this: is the guidance from the courts here different from elsewhere or is there a different interpretation of the legislation? Does the legislation need clarified?

**Mrs Godfrey:** If you look at the example of the A5, the lawyers would tell us that we were making case law as we worked through it because of its complexity. The point made in the report was that environmental information has to be current; it has to be up to date. One of the risks that we face is that if there is a delay for any other reason, quite often you have to revisit and redo your environmental information to make sure that it is up to date. I think that it has to have a currency of about six months, John.

**Mr Irvine:** That is exactly the point.

**Mr Beggs:** Is it the same elsewhere?

**Mr Irvine:** Yes.

**Mrs Godfrey:** Yes, but that is the challenge. You might have all your environmental assessments done, but, if you get held up for anything else, you might have to redo them.

**The Chairperson (Mr Humphrey):** Thank you both very much for your time and for your answers. I wish you both a very happy summer, when it comes.