



Northern Ireland
Assembly

Committee for Regional Development

OFFICIAL REPORT (Hansard)

Water and Sewerage Services Bill:
Northern Ireland Freshwater Taskforce

30 September 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Trevor Clarke (Chairperson)

Mr Seán Lynch (Deputy Chairperson)

Mr John Dallat

Mr Alex Easton

Ms Claire Hanna

Mr Chris Lyttle

Mr David McNarry

Mr Stephen Moutray

Mr Cathal Ó hOisín

Witnesses:

Dr Stephen McCabe

Mr John Martin

Mr Jim Haughey

Northern Ireland Environment Link

Northern Ireland Freshwater Taskforce

Ulster Angling Federation

The Deputy Chairperson (Mr Lynch): I welcome John Martin, Jim Haughey and Dr Stephen McCabe to the Committee. If you would like to give a short presentation, we will open the Floor to questions afterwards.

Mr John Martin (Northern Ireland Freshwater Taskforce): Thank you very much for taking the time to see us today. I will briefly talk you through who we are and our response to the Bill. As you said, we will take questions at the end.

The Northern Ireland Freshwater Taskforce represents a range of organisations working together to ensure that Northern Ireland preserves and improves freshwater ecosystems by encouraging government and wider society to adopt a sustainable and integrated approach to water management. Northern Ireland, as I am sure you are all aware, has a wealth of natural water resources, and water is an essential component of a healthy, functioning environment. However, water habitats and much of the wildlife that rely on them are under increasing pressure from abstraction, drainage, development and pollution.

The Freshwater Taskforce believes that the Water and Sewerage Services Bill must ensure that any development of Northern Ireland's water resources is done in a sustainable manner. It is imperative that Northern Ireland leads by example in its management of water resources: safeguarding the natural environment; meeting water framework directive objectives; cutting water leakage; and minimising carbon emissions from water industry operations are all crucial elements.

The Freshwater Taskforce is pleased to see sustainable urban drainage being given legislative footing. However, the Freshwater Taskforce has long supported the sustainable drainage systems (SUDS) strategy in Northern Ireland. In that vein, the strategy was included in our 2012 publication, 'Blueprint for Water', as one of the 10 steps towards a sustainable freshwater environment in Northern Ireland. However, we are disappointed that SUDS has never been given a legislative push. We are pleased that it is in the Water and Sewerage Services Bill, and, as Bills go, the Freshwater Taskforce is reasonably happy with its contents. We are, however, concerned that the legislation covers only hard engineered solutions to SUDS. Paragraph 2(b) of schedule 2 states:

"accordingly, references to the construction of a sustainable drainage system include references to the construction of such a tunnel or conduit and to the construction or installation of any such machinery or equipment."

Although the Freshwater Taskforce supports this approach, we believe that it is a missed opportunity not to include natural solutions as well as hard engineered solutions. This, we believe, would ensure that the Bill was truly sustainable.

The Freshwater Taskforce's understanding of SUDS is that it seeks to manage rainfall in a way that is similar to natural processes by using the landscape to control the flow and volume of surface water; to prevent or reduce pollution downstream of development; and to promote recharge of groundwater. Green infrastructure is a term that is often used. It includes natural vegetation, which, in SUDS, helps to attenuate flows and to trap silts and pollutants. It promotes infiltration and is robust enough to prevent erosion. It also enhances evapotranspiration and reduces the "heat island" effect in urban areas.

The change from conventional pipe drainage to SUDS has been driven by a realisation of the shortcomings of traditional methods of collecting and conveying run-off away from developed land. Just as in nature, water begins a journey when it enters the SUDS sequence, starting with a roof and ending with a wetland. Every stage offers potential for people and wildlife benefits. The Freshwater Taskforce does not see an equivalent approach outlined in legislation, and I say again that we believe this to be a missed opportunity.

(The Chairperson [Mr Clarke] in the Chair) Designing SUDS to deliver more than just surface water management will very much depend on early consideration at the master planning stage, creativity, consultation with communities and partnership. Done properly, SUDS can deliver benefits for the whole community in terms of biodiversity; climate regulation; regeneration; learning; health and recreation; and play. A local example is that of the Connswater Community Greenway being built in east Belfast, which, when finished, will deliver multiple benefits, including run-off attenuation, health and recreation, carbon sequestration and shared space for people to enjoy. Therefore, the Freshwater Taskforce recommends an amendment that puts natural solutions on the same legislative footing as hard engineered solutions. Paragraph 2(a) of schedule 2 states:

"references to a sustainable drainage system include references to a tunnel or conduit which serves or is to serve as the system in question or part of it, and to any machinery or equipment of the system".

Our suggested amendment is to add:

"and to the design and intentional use of green infrastructure in the management of run-off".

Paragraph 2(b) of schedule 2 states:

"accordingly, references to the construction of a sustainable drainage system include references to the construction of such a tunnel or conduit and to the construction or installation of any such machinery or equipment."

and we want to add:

"or any works associated with green infrastructure development for the purposes of run-off management."

I will finish at this point and hand over to my colleague Jim Haughey, who will talk through some of the considerations in the planning system for this approach.

Mr Jim Haughey (Ulster Angling Federation): Thank you. John has talked a fair bit about soft SUDS, as they are called, and I just want to reiterate that we are very happy with what has happened in relation to hard SUDS, if you will excuse my using all those acronyms. With soft SUDS, we feel that there has been a suggestion in some forums that cost may have been a consideration, and we would like to draw the Committee's attention to the fact that cost may be a consideration in the short term. However, stand back a bit and look at what Northern Ireland Water, for instance, may have to expend in the medium and long term by not introducing soft SUDS, and compare that with what it will have to expend in place of that on equipment, assets, maintenance and so forth. We feel that insufficient weight has been given to the potential savings from the soft SUDS approach in the very long term.

Furthermore, three paragraphs from the just published 'Strategic Planning Policy Statement for Northern Ireland: Planning for Sustainable Development' — 3.13, 6.118 and 6.137 — specifically refer to sustainable drainage systems. Having spent so much time and energy drawing together the planning policy statement and specifically referred to sustainable drainage, we think that it seems a bit of a shame that the issue of soft SUDS might fall by the wayside and, if you will excuse the pun, dissipate into the sands a wee bit. We would like to make sure that that does not fall away.

Finally, there is an aspect of the Bill that we are very happy with indeed, and that is the question of Northern Ireland Water approval of sewage treatment works developed by others. That has been a specific problem in the past. With my fishery hat on, I know that it has been a problem on a number of waterways. We are very happy that that is in the Bill, and we look forward to that making a very positive contribution to clean water in the future.

Mr Martin: I will hand over to Stephen, who will talk through a few other elements before we finish.

Dr Stephen McCabe (Northern Ireland Environment Link): I have two brief points. One thing that I want to bring in is the context of climate change in all of this. Significant research has been carried out on understanding the impacts of climate change on urban hydrology, and that work suggests that prolonged and intense winter precipitation will result in increased output of surface run-off, throughflow, groundwater flow, and river and marine outfalls. Even in summer, we expect surface run-off to increase as a result of climate change, especially in late summer. We stress that, in all flooding scenarios, natural functions should be given the space to work. That is really what a soft SUDS is about: allowing space for water, which is so important given what is coming down the line through climate change. We need to — this is in government policy, so we support this — design for exceedance in the water system and allow the space for natural processes to work.

We feel that there is a lot of goodwill around soft SUDS. Departments see that an optimum SUDS solution will utilise both soft and hard SUDS types. For soft SUDS to be brought in and their benefits realised, developers need technical guidance on bringing them into their developments. They need a clear and consistent planning process. They need clarity on the responsibility for maintenance and how that will be agreed. We would really like that to happen. There are some steps to resolving those issues. One is that a revision of the Construction Industry Research and Information Association (CIRIA) SUDS manual for the UK is coming out later this year and will be available to download. The Northern Ireland Environment Agency (NIEA) co-funded that revision, so Northern Ireland money has gone into that, and we would like to ensure that it is used.

It is really important that central government policy speaks to the councils and their implementation of the planning process. We would really love to see the storm water management group, which is led by NIEA and DRD, meeting up and working with councils to inform the development of their local policy plans, linking the principles, as Jim said, of the new strategic planning policy statement, which has just been released, and making sure that its principles are soon rolled out on the ground in Northern Ireland. That is all that I have to say.

Mr Martin: That is all that we have to say for now. We are open to taking any questions. Thank you very much.

The Chairperson (Mr Clarke): Thank you, John, and the rest of your team. I apologise because I missed most of your presentation. I will hand over to Seán, if he wants to go first.

Mr Lynch: Thanks, Chair. You said that you are happy that the Bill deals with hard SUDS. How important is it that soft SUDS are included?

Mr Martin: That is a good question. You can look at it from a couple of angles. From a cost-benefit point of view, if an accurate cost-benefit analysis were done for potential developments, you would find that the natural solutions are good and have multiple benefits. You usually find that they pay back to society economically after a number of years. From an environmental point of view, they are able to deliver something in the conservation sector that we call "ecosystem services". Those are the services that the environment gives society for free: water filtration, biodiversity, nature and so on. They can also be used recreationally. We feel that the soft engineering solutions provide a win-win-win.

It is probably fair to say that the hard engineering solutions that have been put in are performing well. I know that one has been put in by Northern Ireland Water in the Dundonald area, and it is really happy with how it is performing. It is doing what it is supposed to do. There will always have to be room for those types of solutions. The SUDS strategy has, we feel, been sitting on a shelf gathering dust for 10 years now. It is time that we did something with it and took some action to implement it. We feel that there is now an opportunity to do something in legislation. These opportunities do not come up very often. We feel that, if we do not do it now, we might not get another bite of the cherry.

Mr Lynch: There are examples in other jurisdictions where soft SUDS have been included.

Mr Martin: There are probably more examples in England, Scotland and Wales. One example that we outlined in Wales was where SUDS had been implemented in a local school. One of the problems with SUDS schemes is that nobody has wanted to take responsibility for their maintenance. Once they have been built, people have said, "Well, I am not touching it. Who will pay for the upkeep?". In Wales, the local authorities took that responsibility, and, for a few reasons, they did so in and around a school. They got the schoolchildren to help in the design of the system. They built into the curriculum hydrology, the importance of hydrology and why it is important for the natural environment. Then they solved a local flooding issue. It is fair to say that SUDS will not solve every flooding issue; it is not a panacea. There will always be hard engineering and a need for that, but we feel that, if you are able to draw back from some of those hard engineering solutions in places and include SUDS on an equal footing, where it is economically, environmentally and socially viable, it should go forward. There are examples elsewhere across the UK, but not as many in Northern Ireland.

Mr Lynch: Finally, Stephen, you talked about tying in with local government: is there still time for central policymakers to tie in with local government on the issue?

Dr McCabe: Absolutely. Local government — the councils — have to prepare a planned strategy within 22 months of April 2015 and their local policies plans within 40 months of April 2015. There is time for the leaders of the storm water management group from central government to be involved and, I think, to be helpful.

Mr Lynch: Will you talk to local government associations?

Mr Martin: We are still figuring out how best to do that, but, we will talk to them about how they are starting to implement community planning. One of the big things to have been brought in is new well-being powers for local government. We feel that SUDS is a good example: potentially, they could implement a SUDS scheme to solve a problem. We do not think that it should go in for the sake of it; it needs to solve a problem. That would also allow them to work out how best to use their well-being powers for the people whom they are governing.

Mr Dallat: This subject intrigues me. Am I right in saying that previous generations understood far more about natural drainage than the current regime of people with degrees and all sorts of things? I suppose that we cannot have an answer to that. A lot of our built heritage, particularly churches, has been destroyed because people have come along and made all sorts of improvements but knew nothing about natural drainage. Buildings that were there for 150 years, perhaps, and dry as a bone were suddenly experiencing wet rot, mushrooms and all sorts. Should the law also seek to protect existing buildings that are not part of any future development?

Mr Martin: Yes, I think that the planning system exists to prevent inappropriate development. The planning system is clear on development on floodplains, in that there should be a prerequisite for that not to happen, where possible. It could be argued that there was a lot more development on floodplains in the past, because they did not understand hydrology as much as we do now. There is potential to improve protection in and around some of our built heritage, which it is important to

protect. In the past, some of the solutions have been hard engineered: building bigger walls and moving water off the site more quickly. I think we are starting to realise that working more with natural processes and nature is the best protection that we can provide to society.

Mr Dallat: OK. The point I was making earlier is that I suspect that, 100 or 150 years ago, people knew that this was important. The current regime does not know that, and that is a big issue.

You have expressed concern that only hard SUDS are being dealt with in the Bill: is that in itself not an indication that this subject is not being taken seriously?

Mr Martin: I would not say that it is not being taken seriously —

Mr Dallat: I am being a little extreme, just to provoke an answer.

Mr Martin: We are really happy that hard-engineered SUDS are being taken seriously in the Bill. However, our organisation's mandate is to ensure that society works with natural processes as best it can, and we do not see that in the Bill. As we said, we feel that this is a missed opportunity and would like it to be in any future amendment.

Mr Dallat: In your introduction, you mentioned education and how this might be part of the school curriculum. However, if you were to conduct a survey on the main street of any town and ask people what SUDS were, I suspect that they would tell you that they come from Daz or Persil.

Mr Martin: That is very true.

The Chairperson (Mr Clarke): Fairy Liquid, John.

Mr Martin: Educating people on the terminology needs to come alongside that. I know that the scheme in Wales, for example, put up significant interpretative information in and around some of the settlement ponds. They were able to say what the pond was doing, the problem that it was solving and the biodiversity and nature that it was helping to improve etc. Education needs to come alongside because the terminology is difficult for people.

Dr McCabe: The NGO sector can have a role to play in helping to communicate some of these ideas to the public and raise awareness.

Mr Dallat: The last time that I read about SUDS was when some parts of south Belfast were flooded. Then, when it is all cleared up, nobody talks about SUDS again. What more could your organisation do to educate people on the seriousness of this and on the monumental blunders made over the last 50 years?

Mr Martin: Part of our contribution was our 'Blueprint for Water' publication a few years ago. That publication had 10 steps to a sustainable freshwater environment, and sustainable urban drainage was one of those points. Any time that we talk publicly about the importance of a sustainable freshwater environment, we talk about SUDS as a major component of that. A lot of our organisations are driven by our members, and SUDS is an important issue for us. Over the past four to five years, one of our top 10 issues has been to ensure that there is some legislative requirement or condition on those in local government to ensure that they approve SUDS as part of any new developments. We see this as a big opportunity to make that happen.

The Chairperson (Mr Clarke): I picked up on John's negativity about this, but it is good that we are getting to this stage. I know that you visit other Committees, but my personal opinion is that NI Water needs to be congratulated on going in this direction. The Planning Service was never that stringent: you talked about building on floodplains and beside rivers — you could just build anywhere. This may have come about for the wrong reasons, but it will address some of those issues.

Mr Martin: I agree with you. Over the past five to 10 years, Northern Ireland Water has made a step change in how it manages its resources. It has quite an established sustainable catchment management programme: it looks at the water catchments around a lot of its sites and says what the natural issues and environmental problems are for water quality. Instead of doing only end-of-pipe solutions, Northern Ireland Water is going back to source and addressing things through

environmental management, stakeholder engagement with farmers or an outreach programme. I wholeheartedly agree with you that Northern Ireland Water has changed how it manages its resource and that it is more geared towards environmental solutions. As we said, we are happy that SUDS is included, but we would like a more natural approach going forward.

The Chairperson (Mr Clarke): Absolutely. This is not within the scope of this Bill either, but DOE needs to do more work to force other agencies to live up to its expectations. Jim talked about pumping stations and building close to rivers. The difficulty has been that the Northern Ireland Environment Agency's enforcement has not been stringent enough to force individuals to live up to the standards that they should have. This is a step change. I accept what you are saying about soft SUDS, but we are starting to take steps in the right direction. It has worried me. I am not anti-development — I am pro-development — but, when developments were being built so close to rivers, I was scratching my head and wondering, "What is the Planning Service doing here? What are NI Water, Rivers Agency and all these other agencies doing? Why can they not come to the right conclusion, which is that we should not be building here?". Some of these systems, including soft SUDS, should have been looked at in the past. If they had, we might not have some of the difficulties that we have had in my constituency in the past few weeks.

Dr McCabe: I reiterate that we support a lot of what NI Water does and a lot of what DRD is working towards in the long-term water strategy. We are very supportive of that as a way of managing water sustainably, and SUDS is an important strand of the flood-risk management in that strategy.

The Chairperson (Mr Clarke): Of course, some of this is reactive, because it is also driven by European directives. If it were not for those, we may not even be on this page yet either.

Mr Ó hOisín: Thanks, John and Stephen. I have mentioned, on a number of occasions, instances where we have combined systems that make up a significant percentage of hard SUDS in particular. We always run that risk, and that of inadequate monitoring as well. There is a risk of, without being prejudicial, incidents like yesterday's, in Six Mile Water last September and in Roe in 2005. However, some ideas are coming forward. I know that there is a proposed wetland project for the new DARD headquarters in Ballykelly. That might look to be simple best practice. This is not new technology. It has gone on everywhere else, in residential areas and all the rest of it. I think that Radio Ulster had a programme on it last week that I heard. The bottom line is that we need to convince people to have an uptake on the SUDS programme, because the current status is about 5%. That is the real issue.

John, in smaller developments, what encouragement can be given for those that are isolated from the main systems to use the likes of reed beds? What would the risks be? Could it be a project that could be grant-led?

Mr Martin: Northern Ireland Water recently installed a large reed bed filtration system to deal with sewage for a number of houses. However, for more isolated communities, we have previously talked about the potential for an incentive-led scheme to ensure that they are not forgotten about and are considered for sustainable solutions. Last year, the Taskforce took a group of people down to the Republic of Ireland to see a community that had adopted a reed bed filtration system for their whole village. All of the sewage for a whole village was being dealt with by one reed bed. That is a sewage or water treatment issue, and it is important not to mix it up with SUDS, which is an urban flooding issue. We need to be careful with the terminology.

We would only want to see SUDS implemented where we felt it was a solution to a bigger problem. We would not like to see it go in just for the sake of it. We think that the full cost/benefit would need to be assessed to ensure that the scheme would deliver as best it could. Any policymaking that Government are going to do needs to be evidence-led, and we feel that there is enough evidence out there to suggest that this is an appropriate way forward.

Mr Ó hOisín: I was doing my homework last night, Chair, and I came across porous and pervious concrete. How could that work or best manage working with the water table rather than against it and reducing the run-off?

Mr Martin: I was coming back from the South over the weekend and noticed that, in Applegreens on either side of the motorway, they have that surface where, if it rains, there is room for the water to go into the water table straight away instead of just sitting on the surface. That is another excellent solution.

Mr Ó hOisín: It seems to me to be a very obvious answer.

Mr Martin: It seems to be, and the cost of it is coming down over time as well. There are definitely opportunities to integrate that into development going forward.

Mr McNarry: I can see where you are coming from, and I appreciate your presentation. Do you have a breakdown of the extra costs where SUDS may be used as an enticement as a means to obtaining planning permission where they have not been used before?

Mr Martin: No, we do not have that, but I am sure that we could provide it to the Committee. It is probably fair to say that that would be very dependent on each development. Each development would have different considerations depending on the one before or the one after, so the implementation of SUDS on a certain space is very dependent on where it is.

Mr McNarry: Some guidance on it would be helpful, if you could provide it. Have you discussed your amendment with the Bill sponsors?

Mr Martin: No, we have not.

Mr McNarry: OK. You might want to do that, if I could give you that bit of advice.

Mr Martin: OK.

Mr McNarry: How do you see your amendments being proposed?

Mr Martin: We hope that the Committee might adopt the amendments.

Mr McNarry: Are you asking the Committee to do that? Have you formally asked us, or are you asking us now?

Mr Martin: We asked in our evidence, and we are here to ask again today.

Mr McNarry: On the technical qualifications to deliver what you say, I think that the reference to technical guidance is very important in your presentation. Do you believe that that is actually available in the planning service in local councils?

Mr Haughey: That sort of guidance is generally available now from the likes of the Institution of Civil Engineers.

Mr McNarry: I am aware of that. What I am trying to get to is the people who might have to implement them or the people who might have to decide on a planning application etc. I just would like to be assured that they would understand the guidance, and, if they are not able to do so, they would get training to understand it.

Mr Haughey: I think that that is part of an ongoing process across the UK and, I am sure, the Republic too. The likes of these documents are slowly being implemented and brought into the mainstream, and hopefully, over time, people will take that on board.

Mr McNarry: I appreciate that. Getting them to do hard SUDS has not been easy. In many cases, it was developer-led because of the opportunities to get planning, and there were obviously financial and commercial reasons. Moving on now to soft SUDS, we need to have people who know what they are talking about. You three guys seem to know what you are talking about, and you get the benefit of the doubt at this stage anyhow.

Mr Martin: I appreciate that.

Mr McNarry: Fair is fair; I am taken by your presentation.

Most of us here have experience of councils, council officers and all sorts of people in a hurry, and this is something that is just too important, particularly in this day and age. Like the Chairman, I am very

pro-development, but there have been many cases in my constituency, which has floodplains, where things have been let go and had to be paid for later on. I ask you to have a look at what training you think is necessary right across the board.

Dr McCabe: I think that that is helpful. As I say, the CIRIA SUDS manual will come out this year, and there is an opportunity there for capacity-building, I think, in local government. It is difficult for planning officers to have expertise across all the things.

Mr McNarry: Oh no, it is not. I absolutely disagree with you there. If they do not have the expertise, they should not be in their job. They are absolutely the key people.

Mr Martin: I would say that there is a handful of experts in DOE who are aware of SUDS and the intricacies involved and will know it inside out. I suppose that, because the issue has not been given prominence in Northern Ireland legislation as yet, widespread knowledge of it is low. I think that that is a very fair comment.

Mr McNarry: My thanks to you for bringing this before the Committee. I wish you well. It is a very interesting subject that somebody will have to get their teeth into. Thank you very much.

The Chairperson (Mr Clarke): John, that is an endorsement. That is the first time that I have heard David give anyone a gold star. *[Laughter.]*

Ms Hanna: I am pleased to see it as well, particularly when you talked about the planning guidance. I represent South Belfast, which has a lot of urban flooding. People who are flooded know the watercourses very well, and they get frustrated when they see development happening.

We have touched on a lot of it. You mentioned some examples from Wales. You say that it should be implemented from the very start, but, as Cathal said, we know that uptake will be very low — maybe 5%. Have you seen good examples of how that can be encouraged? You talk about the design guide, but do you think it will need to be more prescriptive than that? Can more be done to encourage retrofitting in schemes that are already flooding? In south Belfast, we are putting a lot of faith into a hard and soft parallel system that has a lot of support. How can that be encouraged?

Mr Martin: It will definitely have to be a patchwork-based solution, because, at the end of the day, we are where we are with the planning system. Things have gone on in the past that, maybe, should not have happened, and there are things happening now that are positive. We have to encourage retrofitting on certain sites, and there are lots of different things that we could do. The greenways, for example, that are being developed in Belfast at the minute are considering these things. It is great to see those being implemented.

As we said in our presentation, the best way to implement SUDS is to ensure that it is in at the design phase, from the start, and that it is there in consultation with local communities, so that it is solving a problem as well as benefiting local communities. It will help improve their well-being by increasing the area of green space. It is good for urban biodiversity, and it gives people access to the outdoors. There is a range of things that councils could do to retrofit. We feel that the community planning phase or the council plans that have to come forward provide a brilliant opportunity to start putting in some of this patchwork of soft and hard engineering that need to go in.

Ms Hanna: Do you think that that carrot approach will be enough? Will these be implemented, without being prescriptive, or do you think things will have to be tightened up? Some of the guidance stated that England and Wales have not implemented some of the SUDS stuff due to cost. I presume that that is the cost to developers and their resisting it. Do you think there will be enough to —

Mr Martin: We would like to see an incentive-based system to ensure that these things happen, but, in reality, things are still tight, economically. There are issues with the budget. That is why we have called for a robust cost-benefit analysis. This is going in to solve a problem, but it will pay society back in a number of years. We do not think that that is done enough in policymaking. We feel that there needs to be a lot more of that. Is there enough at this stage? We do not think that there is enough opportunity, because it is not in legislation. Why would a local developer or council do something unless they have to, legislatively? We would prefer that people made decisions with the environment, the community and the economy in mind, but, at the end of the day, it is the bottom line that very much impacts on people. That is reality. We do not want government money to be spent willy-nilly because

things are hard, but if we are able to do the cost-benefit analysis on a lot of these projects — and if climate change predictions are correct, and we believe they are — the evidence suggests that this will pay society back in time.

The Chairperson (Mr Clarke): Following your last point about the cost benefits and the wee dig at the developers, and given your presentation and what I have heard, John, you, obviously, prefer soft SUDS to hard SUDS. Unfortunately, there have been cases where they have been allowed to develop, and they have had nothing to do, and we have the pollution and problems that we have. Surely, as long as they are doing one or the other, if it is an option, there is going to be a difference for them in the number of units they can build. It is all about profitability. I am pro-development, as I have said, if the conditions are right and everything is done right. If the developer has an option, and the hard SUDS work and are more cost-effective than soft SUDS, would you resist that?

Mr Martin: I do not prefer soft SUDS.

The Chairperson (Mr Clarke): Sorry, I picked you up wrong.

Mr Martin: We are bringing it to the Floor because we feel that it has not been given as good a footing as hard engineering solutions. We feel that it needs to come up the pecking order, because we feel that it provides multiple benefits to society.

Your point is a good one; if the costs of a soft engineering solution are ridiculous compared with building a hard engineering solution, then that needs to be taken into consideration, of course. That is why we are saying that the cost-benefit analysis needs to be done. In the past, we just looked at the bottom line and have not looked at all the additional benefits that the SUDS options bring. We feel that if there is potential to look at all those additional benefits, then we should try to do that. It is also a question of leadership; what sort of society do we want people to live in? Do we want to give them space and access to nature to improve their well-being or do we want to continue the way we are going?

The Chairperson (Mr Clarke): I am playing devil's advocate here. Where a developer buys a piece of land and owns the land, he is obviously going to want to maximise the number of units.

Mr Martin: Of course, yes.

The Chairperson (Mr Clarke): The hard SUDS will take up less space than soft SUDS. Some of the cost analysis that you are talking about is further down the road where there is no benefit to the developer's bottom line. Why would the developer want to do something to give up half a site or a third of a site just to do soft SUDS? Not just environmentally but for the future, it may be useful to others. Surely, if he is ticking the boxes and meeting the requirements with his hard-engineered SUDS, he should be allowed to develop the site so that his bottom line makes sense. I presume that the developers will make a presentation on this as well. It is about trying to get a good solution for everybody. We do not want them to be on the back foot before they start. Effectively, if we come up with a solution that does not work for them, development is going to stop as well.

Mr Martin: No, I agree. We are not against developers in any way. We are not anti-development, we are just for appropriate development.

Mr Haughey: There is an element here that needs to be considered and it is to do with short-termism. You have been talking about looking at one development in isolation and what is appropriate for that one development at that one time, now, as it were. You need to take a step back and look at the long-term, broad picture and at what is happening in the catchment, for instance, of a particular river —

The Chairperson (Mr Clarke): The Six Mile Water?

Mr Haughey: — which is of particular interest to me. The argument for soft SUDS has a lot to do with maintaining semi-natural water movements in river catchments. If you have a series of developments in a river catchment and, for instance, each one is developed with a hard SUDS solution, you may be able to limit the flood peaks in the rivers as a result of run-off from hard standings but you do not get the natural water movements through the subsoil and into the river that you do in a natural condition. One of the main attributes of soft SUDS is to replicate, at least to some degree, natural water movements in groundwaters and so forth to minimise disruption to the natural river systems that we

have. That is a very long-term thing, as I say. If you look at one specific housing development and say that you are going to do something because it suits that one development, that is fine; but what about other developments and, perhaps, an industrial estate and this and that? If you take them all together, it has an effect.

The Chairperson (Mr Clarke): You know where I am in terms of the Six Mile Water opposite Belmont Road. I have lobbied against the development because I think it is bad. I do not think that hard SUDS will work there; soft SUDS would. I am listening to the presentation, and we are trying to say in general that we should always be looking at soft SUDS. I do not think that that will work. The further you come away from the river, forcing a developer to go to soft SUDS is going to minimise his bottom line. Effectively, we are not going to have the supply of houses/units that we require. I have lobbied against every development on the Six Mile Water and you can check that.

Mr Haughey: I appreciate what you say, but again, I would argue against it. I will give you an example. My working life was spent in the construction industry —

The Chairperson (Mr Clarke): So, you are to blame *[Laughter.]*

Mr Haughey: I will give you two examples. Quite a number of years ago, when I started in the building industry, there was a large number of deaths and injuries on building sites. It was not pleasant. Somewhere along the line, somebody in government said that this is not sensible and we need to do something. A series of regulations for the building industry was introduced to do with safety. There was enabling legislation, which generated a whole series of regulations. In the beginning, as usual, when it was first put forward the business industry said, "Oh goodness; you can't do this. It'll cost us far too much. It'll be terrible. It'll restrict development. It'll do this, that and the other". There was quite a bit of opposition to it, but it was brought forward and, as a result, the safety record in the construction industry is now a shadow of what it used to be in relation to death and injury. People were killed and very badly injured on sites that I worked on, but, over the years, as time has gone on, those regulations have been assimilated into the industry, to the point now where everybody is on board and everybody works with it. There is no problem. I would say that the cost to the industry is negligible. There is probably even a cost benefit, because people are not getting injured and everybody is working with it.

The second one I will put to you is about regulations for disabled access to buildings. Again, when that was first mooted, they were going to change the building regulations. You had to have ramps and you could not just have steps. You had to have lifts. The cry went up, "Oh, this will cost a fortune. This will be terrible. It'll give us an awful problem". We had to change the height of socket outlets and light switches. All sorts of things were done to suit disabled people, and now, as time has gone on, it has all been assimilated and is just a matter of course. Everybody does it. It is not a problem. It will be the same with soft SUDS. It is just a question of taking it on board and thinking not of this year or next year but of 10, 20 or 30 years. That is the timescale that you have to think in.

The Chairperson (Mr Clarke): Fair enough. I will not argue against that one. David, you indicated that you wanted back.

Mr McNarry: Just a couple of things. What was or is your connection with the construction industry?

Mr Haughey: I had my own consulting engineering company.

Mr McNarry: Finally, why do you think the Bill has excluded soft SUDS?

Mr Martin: That is a good question. We are not sure. A SUDS strategy has existed for a long time, but I suppose the Department of the Environment led on that, not necessarily the DRD, so we are not sure. The Department may feel that it is not ready to include it yet, but legislative opportunities do not come up that often. That is why we feel that we need to take the opportunity while we can.

Mr Haughey: Having had a brief chat with some people before I came into the room, I understand that in England they are going along a similar path and are perhaps slightly ahead of us. There may be an element of our people standing back and waiting to see what happens in England before we take the next step.

The Chairperson (Mr Clarke): Maybe for the next meeting we could ask the Department for a response to that. We could feed that back to you as well, just so that we get the correct one. Thank you, John, Jim and Stephen. Again, apologies for missing the start of your presentation, but we are at the start of a process, so hopefully most of these things will be ironed out as we go through the process and something will come out the other end that is good for us all. Thank you once again.