



Northern Ireland
Assembly

Committee for Regional Development

OFFICIAL REPORT (Hansard)

Water and Sewerage Services Bill: Institution
of Civil Engineers

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models of water and sewerage providers around the rest of the UK. In that report, the Minister for Regional Development is quoted as saying that:

"The best model for Northern Ireland Water (NIW) governance is one that supports and ensures the provision of high quality water services to the people of Northern Ireland. It should be sustainable, affordable and efficient. It should meet our EU obligations, support economic growth and protect the environment"

We are wholeheartedly in agreement with this but do not consider that the current governance arrangements allow NI Water to deliver for customers in this way. We strongly recommend that the Committee consider replication of the model that has been adopted in Scotland, with Scottish Water as a statutory corporation receiving more than 50% of its funding from non-government sources.

Clause 2 is on combining water resources management plans and drought plans. We commend the introduction of that into this amending legislation. We agree with the cessation of installation of water meters, but we are content that the Department will have the ability to reintroduce this should it become appropriate in the future.

Our other particular area of interest in the Bill is clause 4, which relates to sustainable drainage systems (SuDS). We are delighted to see the inclusion of this as it has long been called for by many bodies. I know that you have spoken to some already this morning and are speaking to the Construction Employers Federation (CEF) and the Consumer Council later on. However, the language very much relates to hard engineered solutions. Whilst these are more readily maintained by Northern Ireland Water, they are not the only ways of sustainably draining our land. We compel the Committee to ensure that soft engineering surface solutions such as detention ponds are also recognised. Such assets are not just important to the drainage network but improve the natural environment and add value to a community, rather than a burden. There are many examples of soft sustainable drainage systems across GB that show how this can be done.

The aim of moving towards a sustainable approach is welcome, and it is reflective of the Government's general direction of travel. However, they are not a panacea, and they need appropriate design, construction and maintenance to ensure that they continue to remain effective. As such, having clarity around their design, maintenance, ownership and liability is important to ensure that their intervention is proportionate and that all parties are aware of the responsibility that they have. SuDS can help to manage flood risk, however they will be overwhelmed in medium-to-extreme events, so it is important that any design considers what happens when capacity is exceeded.

Clause 5 relates to refusal of surface water connection. Again, we welcome this, but there may be cases with, for example, shallow gradients and pipes, where there is an issue of accumulation of material and introduction of surface water from the likes of Transport NI developing a new road or whatever, where it would be appropriate for Northern Ireland Water to help with the self-cleansing of that sewer. Indeed, that would lead to lower whole-life costs, rather than just diverting to a watercourse. There needs to be flexibility, but we agree with the general direction of travel about refusing surface water connections. We are far too interconnected in terms of our foul and combined networks.

The last clause relates to the connection of drains and private sewers. The Institution of Civil Engineers (ICE) is about high standards in our profession, and we want to make sure that any work that is done in infrastructure is of a high standard. Therefore, we welcome this, and we encourage soft SuDS being developed as part of that, as I alluded to under clause 4.

That is our formal statement. If there are any questions, I would be keen to take them from members.

The Chairperson (Mr Clarke): Thank you, Richard. That was interesting, given the previous session with the Northern Ireland Environment Agency (NIEA). One of your babies in this is the inclusion of soft SuDS, whereas, in the last presentation, they said that they would prefer not to see it included. What is your reason for its inclusion and how would you see that going forward?

Mr Kirk: We can take ourselves back to primary school and the water cycle; we have maybe all long forgotten about that. We think about rainfall and see the little diagram of water going into rivers, then onto the ground and then down to the seas again. Think about hard engineered solutions. Civil engineers love building things like that, but we are not just there to create the sorts of assets that are buried under the ground and are not appropriate in some cases. Northern Ireland Water will adopt

those under the Bill, but there is still an issue around what is best for the community. There are lots of examples, mostly across GB and particularly in Scotland, where there has been good leadership with the councils and they have been able to create soft SuDS that are on the surface. Those are just little dents in the ground that profile the contours in a residential area, and being able to retain that water in that environment in a flood condition and letting it into the drainage network can add value to the community. It is important to recognise the surface SuDS in this because, under the current arrangements, it does not appear that Northern Ireland Water would be able to receive the outflow from that detention pond in a residential community. That would be seen as land drainage, which they currently cannot receive within their sewerage network, and we think that it is important that the outflow from filter drains, swales and detention ponds should be received by Northern Ireland Water where it is appropriate.

The Chairperson (Mr Clarke): This is a double question: how do you see clause 4 being amended and, if it was amended to include soft SuDS, who do you think should be responsible for the maintenance?

Mr Kirk: At the minute, clause 4 states:

“sustainable drainage system” means any structure or part of a structure that is designed to receive surface water from premises”.

There are then two parts underneath that. It relates more to a structure, which is something that is about constraining the flow. The clause also talks about letting out water at a rate that is less than what it receives. SuDS are not just about quantity of water; they are about quality of water and the social amenity that comes around it. I am not quite sure how we legislate for that, but it is important that sustainable drainage systems are about three things: quality, quantity and amenity. At the minute, we are only talking about quantity. It is important that we recognise that because, if we mandate this, the policy that then goes out to projects and to industry is that it is all about quantity, when we know that examples elsewhere show that it needs to have a trifold approach.

The Chairperson (Mr Clarke): That is interesting given that the NIEA did not refer to that. We should maybe go back on that. It was not interested in quality. If members are content, we could write to the NIEA about that. It alarms me now that I did not even pick up the difference between quality and quantity.

What is your view on the maintenance, Richard?

Mr Kirk: I understand that there is a different environment here, but Scottish Water, which is the equivalent of Northern Ireland Water, manages the hard engineered pipes under the ground and assets like that, and councils get involved in the maintenance. With a soft SuDS solution, which is mostly on the surface, the only maintenance is cutting grass and checking the inlet and outlet of those systems. There has been some conversation about communities getting involved in cutting grass verges around our roads networks. That has been —

Mr McNarry: Do not go there, Richard.

Mr Kirk: I am not going to. *[Laughter.]* When I talk to colleagues and my members who work, for example, in Rivers Agency on flood risk management, which does not sit within the gift of the Committee as yet but will from next May, when we become the Department for Infrastructure, they often talk about communities being involved. Government cannot always come in and save them. Communities are much better placed to ensure that some of the assets are managed well. If communities see value in it, as they have done in many instances in Scotland, they will maintain it; they will look after the grass and will have someone who checks the inlet and outlet once a week because it is of value to them and adds value to their property with essentially a wildflower meadow in the middle of a residential area. I appreciate that that is maybe an issue for developers who are looking to get the maximum square footage out of particular land that they have bought, but that is why I felt that it was important to include amenity in that as well. I am not sure whether councils locally could do that, but we could maybe look at getting communities involved in it as well.

The Chairperson (Mr Clarke): Given the way in which developments and property management companies have gone in Northern Ireland, what would your view have been of a property

management company as opposed to a local council, given that it is an amenity that belongs to a development?

Mr Kirk: That may be an appropriate way of managing it, but, if we want to give people a sense of belonging to their environment and engendering community, which is at the heart of the Programme for Government, that is one of the ways in which we could do that.

The Chairperson (Mr Clarke): They could do that. If it is a management company, it will reduce its fees if it got involved. It is interesting to hear your viewpoint on that.

This is my last question before I open it to the floor. You said that you welcome the inclusion of clause 6. You do not mention it in your submission, but do you have any thoughts on the variance in the cost between the bonds in Northern Ireland and those in the rest of the UK? I hear that we are charging three times the cost that it is in the rest of the UK.

Mr Kirk: I am afraid that I do not have any evidence on that. The Construction Employers Federation would be better placed to comment on that. I represent my members as individuals rather than as a trade association that would have access to that sort of information.

The Chairperson (Mr Clarke): Are your members not talking to you about it? Are any of your members based on the mainland as well as here?

Mr Kirk: They certainly are. That is one of the points that I would like to come to later, but I do not have any data, I am afraid.

The Chairperson (Mr Clarke): OK. We will come back to that.

Mr McNarry: This is a brilliant subject. In your written submission, Richard, you tell us that the institution:

"is a leading source of professional expertise",

in flood management etc and water supply. Your vision, basically, is to deliver sustainable development through knowledge, skills and professional expertise, so you are the kind of guy I want to talk to. In your opinion, what expertise is there in the field of SuDS in Northern Ireland Water and the Department?

Mr Kirk: There certainly would not be as much as I have seen in other parts of the UK. There have been some SuDS interventions around Northern Ireland. The Craigavon lakes is an example. The Toome bypass has some swales on the side of the road.

Mr McNarry: Swales? *[Laughter.]*

Mr Kirk: Swales.

The Chairperson (Mr Clarke): That was at Portstewart at the weekend.

Mr Ó hOisín: It is not that bad, David.

Mr Kirk: For example, the Applegreen facilities that we know of down the motorways —

Mr McNarry: I am asking because it is important, in terms of expertise, that there is confidence in where this thing might end up, let alone where it is going.

Mr Kirk: The Applegreen example is a perfect example — sorry for overusing that word — of how poor policy can create something dreadfully ugly. Behind one of the Applegreen stores is a pond that is a SuDS system but is surrounded by a metal fence. It is a complete eyesore. Thankfully, it is hidden, but that is an example of where —

Mr McNarry: Has that been acknowledged?

Mr Kirk: I have certainly spoken to a few people and I have seen it myself.

The Chairperson (Mr Clarke): That is based on an opinion.

Mr Kirk: Sorry, yes, I think that is a fair point.

Mr McNarry: On the basis of your opinion on my question and the expertise that exists in your institution, have you been asked by the Department to engage in discussions with it over SuDS?

Mr Kirk: We have not been asked directly, although we have another body called Climate NI, which is a non-departmental organisation that is funded by DOE. It includes us and other professional bodies to collaborate on climate issues. We hosted a SuDS workshop earlier this year. Peter Close spoke at it on behalf of NIEA.

Mr McNarry: We have just taken evidence that everybody seems to be confident in their opinion in the Department and all the add-ons that they have the expertise to deal with hard SuDS — a dubious statement, in my opinion — but there is no expertise there on soft SuDS. It is important that we identify for the Department, which is unlikely to identify it itself, given past history, where that expertise lies. In the discussions that may be going on, are there in your organisation models that you have off the shelf to present that can be cut and fitted in terms of SuDS?

Mr Kirk: There are many of our members across the UK who are involved in delivering SuDS, both surface SuDS and hard engineered SuDS.

Mr McNarry: Would it be fair to say that one would expect the Department to knock your door to see if it could learn from your expertise?

Mr Kirk: There are other bodies. Civil engineering has a very broad remit; essentially, it is everything that is not military engineering. That is going back to our original definition, so it includes a lot of areas. There are specialist groups in our profession that are very focused on water and environmental management, for example.

Mr McNarry: Consultants.

Mr Kirk: Yes, but they are other professional bodies. They are not private enterprises; they are charities.

Mr McNarry: I want to spend a minute, if I can, Chairman, on the meters, but finally on the SuDS, we have a lot of individual rural houses — single developments. Is there going to be a requirement for them to have SuDS?

Mr Kirk: In existing properties?

Mr McNarry: In new builds. A phenomenal number of new builds are proposed that are single developments in rural areas. Is there going to be a requirement for them? How would they be treated in terms of a single occupancy site as opposed to a development site?

Mr Kirk: I am not sure. Clause 6 —

The Chairperson (Mr Clarke): Reference was made to that before you came in, David, in the briefing that the researcher gave. I think the intention is that it would be one-plus. I think that is what we talked about just prior to you coming in when we had the briefing session from the researcher. As it stands at the moment, I think it is more than one or one-plus. That captures what you are saying. Effectively, yes, if it is required, it comes under it, whereas, in the rest of the UK, it is a greater number.

Mr McNarry: OK; maybe I will come back to that later.

The Chairperson (Mr Clarke): In my opinion, there is a danger that, if we do not support that and you have multiples of one, it would have the same effect as 10.

Mr McNarry: You could in terms of the release of a development if the developer wants to do it. I will do some studying on that.

Briefly, on the meters situation — I do not want to draw you into whether or not we are going to have water charging somewhere down the line — is there a case for the developer leaving a site with all of the pipework etc done but the actual meter not put in? I ask because you state in your submission:

"We agreed with this, but are content to see that the Department has the ability to ... amend this requirement",

and that is:

"relaxation of duty to install water meters when making domestic connections".

We know that there are thousands of them all over the place doing nothing at a cost. I am wondering about the cost if there were a change in policy and the cost that there would be to start digging up the whole flipping place to do the pipework that is needed to those meters.

Mr Kirk: My understanding of that was that, yes, the policy decision was made previously to install water meters, and that was at the time when we were talking about Northern Ireland Water becoming a government-owned company.

Mr McNarry: Your institution is on record as welcoming direct rule; I do not know whether you know that or not.

Mr Kirk: Sorry?

Mr McNarry: Your institution is on record as welcoming direct rule for Northern Ireland.

Mr Kirk: Where was that?

Mr McNarry: I am only bluffing you. *[Laughter.]* I am worried about the connection as to how we do the development of it and your expertise. Would it be cost-effective? Would it make any difference?

Mr Kirk: For example, with regard to the boxes that water meters are housed in, there is the potential of having a box but no water meter in it. You put the box in and put in a pipe where the water meter might be and, at a later time, come and access that again.

The Chairperson (Mr Clarke): Again, members, I think that that was referred to, but we are revisiting that. NI Water is coming to speak to us about that —

Mr McNarry: I did not think that you would be in early this morning, so I just dawdled down here. *[Laughter.]*

The Chairperson (Mr Clarke): The Deputy Chair and I were briefed on one of the days that we were talking about the accounts, and we reported that back to the Committee, but we will get a proper briefing from NI Water on that. However, it was said that the toby box can be fitted without the meters.

Mr McNarry: That is a good idea. Thank you Richard. All the best.

Mr Ó hOisín: Thank you, Chair. David, your organisation is against the Union the last time I heard — the European Union.

Mr McNarry: All right. *[Laughter.]*

Mr Ó hOisín: Thanks Richard, and thanks for the last presentation that you gave.

The bottom line is that, regardless of soft or hard SuDS, there is an engineering solution. That is the issue. I do not know what station it was, but I picked up a radio programme recently that talked about a major housing development in England, I think, where all the water went through a soft SuDS

system. They set up a wildlife system, a wetland area, a walk and all sorts of biodiversity projects with everything — they obviously had the room to do it — and there were no hard SuDS going out of it at all, so it is doable.

However, I think that you hit on the crux of the issue when you talked about the quality of the water. I am thinking of my own town, which is on a hill, where three main mixed sewerage storm systems run through it. Not only does the storm system receive all the sewage, it also receives every single drop of water that falls within that wider area. All that goes into the waste water treatment and all that then has to be subsequently treated. It seems obvious to me that, as we are beside a river, that storm water, which is not as polluted as it becomes when it goes back into the sewerage system, should be run off. The issue that we have, certainly when it comes to the extreme conditions that we have seen in recent times because of the amount of impermeable surfacing, is that, once that goes into the sewerage system, you end up with manholes blown and contamination of wide areas and with all the clean-up costs. How much work has been done to cost all of this? There is bound to be an economic solution or an economic benefit to it right across the board.

Mr Kirk: I completely agree with that. I suppose that we cannot quantify the social benefit. As you said, the social benefit of it is the storm events not happening and manholes not being popped and houses being flooded. There is also the amenity benefit. There is a broader benefit to it. I am not aware of an economic appraisal having been done on that, although I know that DRD is looking at a strategic overview of drainage in Northern Ireland. That is being headed up and is looking at Belfast initially, and then it will try to roll out the model in other areas of Northern Ireland.

Mr Ó hOisín: A trick has been missed in the development, because there has been significant investment in waste water treatment plants. However, a trick has been missed with capacity and future-proofing. The NIEA gave the previous presentation. Has ICE been consulted on any of that by the NIEA storm water management group?

Mr Kirk: We have not. We know that it represents the Departments involved. My understanding is that it is a statutory group —

Mr Ó hOisín: I appreciate that.

Mr Kirk: — but we have not been consulted.

Mr Ó hOisín: You would think that it would take in at least some expertise, even in an advisory capacity.

Mr Kirk: It has been done on an ad hoc basis. As I said, we ran the SuDS workshop earlier this year, but there has been no formal approach made.

Mr Ó hOisín: The other thing that we talked about was single units. At the end of the day, most single units or even more outside housing developments rely on water sumps, septic tanks and what have you. There is a body of work to be done right across the board on the engineering side and on costings.

Mr McNarry: How do you get the engineering side more involved? Is there a role for us? The expertise is clearly there.

The Chairperson (Mr Clarke): The storm water management group was referred to in the previous presentation to the Committee. The group believed that it was pulling in that expertise, according to Stephanie. We are now inviting its representatives to come to the Committee, so we may capture it under that, David. That is where the NIEA says it sees the expertise being. It would be useful to hear what that group has to say, given what was said about it today.

Mr Ó hOisín: Looking at the relevant legislation, that is exactly what to do. We are painting with one hand here.

The Chairperson (Mr Clarke): Yes. That invitation will be extended on the basis of what was said today. If we have to go further after that, we will pick it up from there.

Mr Ó hOisín: Fair enough.

Mr Lyttle: Thanks for your presentation, Richard. It was really helpful. As an MLA for a constituency that has seen the pretty brutal consequences of inadequate drainage and subsequent flooding, I am keen to see the Bill do as much as it can to set a strategic direction to tackle that. There are obviously some helpful and innovative solutions and proposals being put forward, and we need to think about how we can put language in the Bill to require those to be implemented. Governance and finance will be crucial to any delivery. I think that you said in your presentation that the current governance and funding model for water in Northern Ireland was not sustainable: can you say anything more about that? How can we ensure that it is fit for purpose to deliver on any of the good suggestions?

Mr Kirk: I do not make that statement lightly, either in print or in person. Access to clean water and sanitation is right at the heart of the UN Universal Declaration of Human Rights. In Northern Ireland, we are blessed with lots of rain. However, rain does not equal potable water and sanitation. For example, Northern Ireland's topography has what can be described as an egg-box profile. By that, I mean lots of drumlins. The surface water that goes into our sewers is pumped on average twice before it reaches treatment. Potable water from reservoirs, and treated in treatment works, is also pumped. It goes without saying that we have high electricity costs, what with Northern Ireland Water being Power NI's largest electricity consumer. Therefore, we have clean water and sanitation at the very heart of this. I do not like to use the word "commodity", but water is very cheap commodity to bring to your home. What other commodity could you have a ton of come into your house for just over £1 and a ton of taken away again for just over £2? I was recently doing an extension on my house, and my bricks certainly were not as cheap as that. The cost of bringing a ton of water to your house is just over £1, if you work it out from Northern Ireland Water's expenditure against how much water it provides. Water is a very cheap commodity in many ways.

With the funding mechanism that we have at the minute — you will know about the work that the Utility Regulator did with Northern Ireland Water and about the over £2 billion that was asked for in the PC15 period, which came down to the normal amount of £900 million over a five-year period and was then further cut following the cuts to the block grant this year — we will not be able to continue to provide things, and not just no new-build capital investment. People sometimes mistakenly think that civil engineers want to build shiny new things and cut ribbons, but that is not what we are interested in. Yes, we are interested in building those things, but we are also interested in maintaining the assets. The operational cost is, in some cases, 97% or 98% of the actual cost of operating something. Capital costs can be very little. We see issues with climate change and increased flows in our sewers. Obviously, trying to create a society in which there are more people increases that flow as well. If we do not continue to invest more in our waste water assets, and that goes for all infrastructure assets, we will continue to see exceedances, which have impacts not just on our society but on our economy.

We welcomed the research paper developed by the Committee late last year that looked into the other business models around the UK. We are keen to see a model somewhat akin to that used by Scottish Water implemented in Northern Ireland. That would deliver security of funding for Northern Ireland Water going forward, allowing it to plan beyond one year. At the minute, it has no end-of-year flexibility and an annualised budget. That would be able to drive efficiencies. We have seen it make great strides with efficiencies over recent years, and the Utility Regulator has made note of that. However, NIW is still some way short of the other UK water companies. With the current cuts that it is experiencing, those efficiencies will be lost. That is our reasoning behind the governance model and for wanting to see a more efficient, customer-focused, proportionate and appropriate way of providing water and sewerage in Northern Ireland through domestic water transparency.

Mr Lyttle: Thanks for that, Richard. Obviously, the Bill proposes the deferral of any changes to financing, but how urgent do you think the need for a change to the model is?

Mr Kirk: We would have been delighted to see that dealt with in this Programme for Government, but I understand that that is not the case. It will be after the elections next May before we even start to think about that again.

The Chairperson (Mr Clarke): We are sort of straying off the purpose of the Bill here, Chris, by asking about charges.

Mr Lyttle: I do not think that we are, Chair, but I am content with the answer, so I am happy to move on.

The Chairperson (Mr Clarke): If you want to bring Richard to your party conference to speak on it, that will be fine.

Mr Lyttle: That is a ridiculous comment, Chair, to be honest with you. I was grateful for the answer; I am happy to move on.

The Chairperson (Mr Clarke): I am sure that you were, because it supports your ideology.

John, you are next.

Mr Lyttle: What, if someone agrees with me, that person is not allowed to give evidence? That is ridiculous.

The Chairperson (Mr Clarke): It is not ridiculous. You are talking about water charges, and that is nothing to do with the Bill.

Mr Lyttle: The Bill defers charges.

The Chairperson (Mr Clarke): It does not defer. The only reference to charging is on the removal of the meters; there is nothing in the Bill around those charges.

Mr Lyttle: I am happy to move on, Chair.

Mr Dallat: Richard, sorry for that little spat. Things will settle down.

A lot of us have been councillors — that is how we gravitated to this sort of elevation — and we spent a lot of our time ringing around Departments wondering who would solve a flooding problem with a road. Chairman, you will know that we would be sent to the Department of Agriculture because a farmer owned the land. Roads Service, the Environment Agency — everybody — was involved. Maybe you answered this when I was out, but I do not think so: who should be responsible for SuDS, and how did we survive before SuDS, hard or soft?

Mr Kirk: In answer to your first question and the introduction that you gave, we warmly welcome the improved relations between those agencies in dealing with storm water issues. That was most notably seen when we had a tidal surge about 18 months ago in Belfast. That was led by the PSNI, I understand, so it was good to see leadership in the reaction to those floods. The new Department for Infrastructure will hopefully foster that going forward with the inclusion of Rivers Agency in its portfolio. That is very helpful and to be welcomed. As it stands at the minute, SuDS are not just one agency's responsibility.

Mr Dallat: That is the point that I am trying to make. Is that not a great get-out clause for anybody who might well in the future be asked about responsibility? You will know from experience that you have some fine members, but you have others who were not up to the mark and disappeared all over the world. When they disappear, who is responsible for the SuDS?

Mr Kirk: It will be the body adopting the system. If there is a proposal for Northern Ireland Water to adopt —

Mr Dallat: Are you happy that that is well enough addressed in the Bill?

Mr Kirk: I am not happy that the surface SuDS are not included or being adopted.

Mr Dallat: That is why I am giving you the opportunity now.

Mr Kirk: As I said, in other jurisdictions, councils have taken ownership by empowering their communities to take responsibility for them through property developers.

Mr Dallat: I am not sure whether you heard the previous evidence session with the NIEA, but it is only now starting to talk to Mr Jackson in Coleraine who hopefully will coordinate all 11 super-councils. Is that not a bit late, given that we have this Bill to deal with?

Mr Kirk: I was not aware of that. With the councils having more power, it may be an appropriate time for them to take ownership. However, the work that has been done on reactive flood risk with agencies will hopefully help proactively with SuDS.

Mr Dallat: Chairperson, I know that Richard is doing his best, but there have been all these wonderful promises from the new councils, which, by and large, are sitting wasting their time arguing over prayers, flags and stuff. How is the critical work that is needed going to dovetail with this Bill?

The Chairperson (Mr Clarke): John, if we listen to what Richard is saying, and if his presentation is about the inclusion of soft SuDS, there is an opportunity for us as a Committee to suggest an amendment, if that is the direction of travel chosen. Regardless of what is going on in other councils, this is our Bill — well, it is the Department's Bill — and so there is an opportunity for us to amend it and shape it and to address some of the issues not taken forward previously.

Mr Dallat: Chairperson, your advice is very helpful. I was just trying to pick Richard's brain about how we might do that, but that is grand.

Mr Kirk: Have we spoken to other jurisdictions — say, Scotland — to see how they manage it?

The Chairperson (Mr Clarke): We have a research paper on that.

Mr Dallat: We are planning a trip.

The Chairperson (Mr Clarke): For the benefit of the BBC, we are not planning a trip.

Mr Dallat: I was joking, to try to liven this thing up.

The Chairperson (Mr Clarke): A research paper has been done. We looked at it in closed session before we started today. Those members who were not here for that will have been furnished with a copy by the Assembly researcher.

If the Committee can get agreement, there is an opportunity for us to amend any pieces of the Bill that we wish to. My feeling is that we seem to have an opinion about the soft SuDS, which runs contrary to how the Bill stands at present. However, that is something that the Committee will have to explore, and that will fit in along the lines of your presentation.

Mr McNarry: May I ask a question on that point that you have raised?

The Chairperson (Mr Clarke): Yes.

Mr McNarry: Is there a sense that the Department, through the Bill, is not focusing on a direction of travel towards soft SuDS?

The Chairperson (Mr Clarke): On the contrary, my understanding is that the Department is closing the door to soft SuDS and that the Bill is shaped particularly for hard SuDS.

Mr McNarry: That is what I meant. There is not a direction of travel.

The Chairperson (Mr Clarke): No, but the Committee has an opportunity to table an amendment to that. I do not think that the door will be closed yet.

Mr McNarry: To deviate slightly, if it is the wish of the Committee, are we capable of committing the time and doing the work that needs to be done for us to prepare?

The Chairperson (Mr Clarke): Surely some of that will be shaped by the evidence. We have already listened to the NIEA today, and we are now listening to a representative of civil engineers who have the expertise to know whether the engineering side of this is doable. They are saying clearly that it is doable, and they are the experts on whether an engineering solution is possible. Therefore, I would have thought that the Committee will get all the evidence and then decide whether it will bring forward amendments. However, from the evidence that we have heard so far, the only ones who are saying that that can be done is the Institution of Civil Engineers.

Mr McNarry: And last week's witnesses.

The Chairperson (Mr Clarke): And last week's. There will be an opportunity for the Committee to make amendments, if the Department is not minded to do so itself.

The Committee Clerk: There is potentially an issue with timing for getting drafting done, but I can speak to the Bill Office. If the Committee is content, we can start looking at drafting options. We have the precedent of the legislation that was introduced in England and Wales. It was not enacted for soft SuDS, but we can at least start the process and bring it to a point at which, as the Chair said, when we have gathered the rest of the evidence, members can consider whether they wish to propose an amendment.

The Chairperson (Mr Clarke): Is that OK, David?

Mr McNarry: There is that travel that we need to do just to see whether we can do it.

The Chairperson (Mr Clarke): Is that the mind of members? Are members content that we should look at soft SuDS as well, given that we have a closed door at the moment from the Department?

Mr Lyttle: Yes.

Mr McNarry: I think so, yes.

The Chairperson (Mr Clarke): We will allow the Clerk to go ahead and investigate that.

Thank you, Richard, for your presence today. It has been useful for us. You have brought a different dimension to this, particularly given your engineering background.

Mr Kirk: Thank you.