

**MINUTES OF 134th MEETING OF THE DRAINAGE COUNCIL FOR
NORTHERN IRELAND HELD AT 10.30am ON WEDNESDAY,
23 FEBRUARY 2005 AT THE WHITE HORSE HOTEL, DERRY/LONDONDERRY**

Present:

Dr R Myers (Chairman)
Mr J Hagan
Mr R Watson
Mr R G Cummings
Mr G Crawford
Mr C Mairs
Mr J Orr
Councillor T Conway
Councillor A Graham
Councillor C McCambridge
Councillor M Gillespie

In Attendance:

Mr M Hamilton (Acting Secretary)
Mr R White
Mr D Maguire
Mr D Nixon
Mr M McLean

1. INTRODUCTION TO BUSINESS

The Chairman welcomed all Members to the 134th meeting of the Drainage Council and introduced Mr David Nixon of Rivers Agency, who was attending to assist with administration.

The Chairman explained that Mr Hamilton would be standing in for the Secretary, Mr Morton, who was unable to attend due to other business.

2. APOLOGIES

In addition to Mr Morton, Mr Hamilton offered apologies from Councillors McHugh, Nicholl, Rainey, Savage, and Mr McBride. It was noted that the hazardous weather conditions might result in some late arrivals.

3. MINUTES OF 133rd MEETING

The Chairman asked if Members agreed that the minutes of the last meeting were an accurate record. The minutes were agreed and signed by the Chairman.

4. MATTERS ARISING

Mr Hamilton addressed this part of the business.

4.1 Rasharkin Flooding Incident

(Page 4, 2nd Para of previous minutes)

Councillor Nicholl had asked whether the undesignated grille cleared by Rivers Agency staff at the recent Rasharkin flooding incident had been fitted by the Agency or a developer and, if the latter, whether the developer would be held responsible.

Mr Hamilton had explained at the time that the incident was under investigation.

Mr Hamilton advised that the investigation had revealed that the grille is the responsibility of Roads Service and that the matter has been reported to it for any necessary action.

5. UPDATE ON MAJOR WORKS PROGRAMME

Mr White made a presentation on the Major Works Programme.

5.1 Schemes achieving substantial completion since the October 2004 Drainage Council Meeting

Saintfield	– Rowallane Drain (Slides shown to members)
Belfast	– Farset River
Hillsborough	– Carnreagh Stream
Ballycassidy	– Drumgay River

5.2 Current Schemes

Enniskillen	– Killynure Drain (Slides shown to members)
Kilkeel	– Kilkeel Harbour River (Slides shown to members)
Ballyskeagh	– River Lagan (Slides shown to members)
Coleraine	– Windyhall Branch & Screen Road Drains
Londonderry	– Coshquin Burn

5.3 Schemes Proposed to Commence Soon

Lisburn	- Plantation Road
Portrush	- Tar Burn
Whitehead	- Slaughtersford Water
Maghera	- Coleraine Road
Banbridge	- Rifle Park Stream
Dromore	- Mossvale Stream Phase 2
Maghera,	- Fairhill Stream
Downpatrick	- Quoile Barrier
Magherafelt	- Ballymoghlan
Newcastle	- Burren River
Newry	- Water Service

5.4 Schemes Undergoing Feasibility Study

Money more	- Moneyhaw River
Coleraine	- Lodge Burn
Limavady	- Sea Coast Road
Mallusk	- Ballymartin/Blackwater
Ballymoney	- Ring Road
Ballymoney	- Johns Lane
Magherafelt	- Highfield Road
Dungannon	- Park Lane 3
Aldergrove	- Airport Drain
Lower Bann River	- Motorisation of Sluice Gates
East Belfast	- Watercourse
Whiteabbey	- Flood Study
Carrickfergus	- Flood Study
Lough Foyle Sea Defences	
Sea Defence Monitoring	

The Chairman thanked Mr White and invited questions or comments.

With reference to the slides shown of the scheme at Saintfield, both Mr Watson and Councillor Gillespie commended Rivers Agency on the care that appeared to have been taken to minimise disruption to traffic during the works.

Councillor Conway asked if there was any detailed information available on the Lough Foyle Sea Defences, in terms of expenditure, as it was one of the most eroded coastal areas in Northern Ireland.

Mr White advised there was a detailed monitoring system to minimise the risk of flooding in the medium to long term, and explained that while there was an ongoing overview study on the long-term effects of erosion on sea defences, it was too early to predict costs.

Mr Crawford asked how far sea defences extended inland. Mr White explained that susceptible areas were considered as cells in terms of river and sea defences and that a holistic approach was adopted.

Mr Mairs referred to recent media reports on the new sewage system proposed for Belfast and asked whether watercourses were likely to be affected. Mr Hagan explained there had been full consultation and that the new Water Service system would pass beneath watercourses. Mr Hagan referred to the Blackstaff Relief Culvert, reported to the Council previously, by way of example.

6. FLOODING REPORT

Mr Hamilton presented the flooding report advising Members that to date, from the start of this Business Year, Northern Ireland had had rainfall amounting to 89.7% of the normal long-term average.

Up until 31 January 2005 the Rivers Agency had responded to 199 flooding incidents across Northern Ireland. Since the severe flooding incidents in Derry/Londonderry and Belfast, reported at the last meeting, flooding incidents had been spasmodic and localised with the exception of one event that occurred on the weekend of 7/8 January 2005.

On that occasion the rainfall recorded was confirmed as the heaviest in a 24-hour period for several years. During the event Rivers Agency staff responded to 73 reported flooding incidents. Throughout the province 38 non-industrial staff were on duty with the support of 175 industrial staff, which represented a 67% turnout of the workforce. These members of staff were involved in flood alleviation measures, including repeated grille clearance, at a number of locations. Pumping and sandbagging operations were undertaken at 8 business premises and 3 dwellings that had experienced localised flooding. Further to these incidents there was also extensive flooding to agricultural land in various catchments.

This flooding coincided with that which seriously affected Carlisle, and had the same weather system affected the east of the Province there could have been serious impact on infrastructure, homes, and businesses in urban areas.

Government Agencies and the Emergency Services co-operated effectively and efficiently in providing the emergency response. Flood Teams were quickly established and a Flooding Spokesperson, representing the Flood Liaison Group, actively engaged with the media to ensure that the public were kept informed and reassured throughout the entire period.

To 31 January 2005, the Rivers Agency operational staff achieved almost 100% success in their response to flooding incidents, with the customer service target being agreed at 80% within a 3-hour period of receipt of the call. In addition the weekly grille maintenance target of 70% had been well met at just short of 100%.

Mr Cummings asked what Rivers Agency policy is regarding flooding incidents where the Agency is not considered to have primary responsibility.

Mr Hamilton advised that the Agency would respond to any flooding that resulted from an overflow from any watercourse, regardless of designation, and deal with any problem present pending the arrival of the relevant Services.

7. DESIGNATION OF WATERCOURSES

7.1 U4901 Ext 2 Downshire Stream Extension 2, Newry

Mr Hamilton gave a background report and on the proposal of Mr Watson, seconded by Mr Cummings, the Council determined that the watercourse should be treated as a designated watercourse.

7.2 U4G402 Tirnascope Drain, Armagh

Mr Hamilton gave a background report and on the proposal of Councillor Gillespie, seconded by Mr Cummings, the Council determined that the watercourse should be treated as a designated watercourse.

[Councillor McCambridge joined the meeting at this point.]

8. DESIGNATION OF WATERCOURSE AND SCHEME

8.1 U3924 Plantation Stream, Lisburn + U3925 Altona Stream, Lisburn

Mr White gave a background report and on the proposal of Councillor McCambridge, seconded by Mr Mairs, the Council determined that the watercourses should be treated as designated watercourses and agreed to the proposed scheme.

Mr Hagan added that once the scheme was completed, it was proposed to present the new line of the watercourse to the Drainage Council to consider designation.

Councillor Conway asked whether the Barbour Threads Dam was still in use and whether it was located in a built-up area. He expressed concern about the safety of children playing in the area, and about dumping, and asked if the dam could be drained and/or enhanced as an environmental project.

Mr White confirmed that the dam was still in use but that it was not located in a built-up area.

8.2 U3G048, U3782 Slaughtersford Water, Whitehead

Mr White gave a background report and on the proposal of Councillor Conway, seconded by Councillor McCambridge, the Council determined that the watercourse should be treated as a designated watercourse and agreed to the proposed scheme.

[Councillor Graham joined the meeting at this point.]

9. SCHEMES RECOMMENDED FOR ACCEPTANCE

9.1 U2802 Tar Burn, Portrush

Mr White gave a background report and on the proposal of Councillor Conway, seconded by Councillor McCambridge, the Council agreed to the proposed scheme.

[Mr Orr joined the meeting at this point.]

10. EMERGENCY WORKS

10.1 U4403 St. Patrick's Street, Keady

Mr Hamilton gave a report on emergency works carried out at St Patrick's Street, Keady under Article 8 (Emergency Provisions) of the Drainage (Northern Ireland) Order 1973, to alleviate ongoing flooding and the risk to life and damage to property from future flooding. Works comprised replacement of an existing inadequate culvert and the construction of four manholes. A recommendation to designate an undesignated section of the existing culvert will be submitted to the Drainage Council for consideration at a future meeting.

Councillor Conway commented that the works appeared to have been much needed, but asked how works were initiated in such an emergency given the constraints of tendering procedures. Mr Hamilton explained that emergency works are carried out by the Agency's Direct Labour Organisation with the exception of the Greater Belfast Area, where a framework for contractors is used.

Councillor McCambridge welcomed the flexibility, particularly for such a useful scheme.

Mr Mairs asked how much money was set aside for emergency works. Mr Hamilton explained that no money was ring-fenced for emergency works, and that the Agency had to meet the cost from the current works budget and so had to continually reprioritise work accordingly.

Councillor Graham asked whether the emergency works were unexpected. Mr Hamilton advised that the problem would have been picked up during inspection but the situation was exacerbated by recent conditions.

Mr Cummings endorsed the works, as did Councillor Gillespie who reported positive feedback from his constituents.

10.2 Kingsmoss Road, Ballyrobert, Newtownabbey

Mr Hamilton gave a report on emergency works carried out at Kingsmoss Road, Ballyrobert under Article 8 (Emergency Provisions) of the Drainage (Northern Ireland) Order 1973. It was not possible to attribute responsibility for the maintenance of a collapsed culvert that had caused flooding. Works were undertaken to alleviate the risk to life and damage to a property from future flooding and further hardship and stress for the occupiers of the property.

Mr Hamilton advised that the works had alleviated the flooding problem and it was not recommended that the Drainage Council designate the watercourse.

Councillor McCambridge agreed, seconded by Councillor Conway.

Councillor Gillespie welcomed the expediency in using the Agency's Direct Labour Organisation, and commented that the works appeared to represent good value for money.

11. MINOR WORKS

MW3704 Altilevelly Stream, Raloo Road, Larne

Mr Hamilton drew Members attention to these minor works, which were being presented for information only.

12. CORRESPONDENCE RECEIVED SINCE LAST MEETING

Mr Hamilton referred members to the copies of correspondence provided in their folders:

12.1 Response dated 2nd November 2004 to Councillor McHugh's enquiry of 20 October 2004 regarding maintenance of Corragh Lough Drain.

12.2 Letter dated 5th November 2004, from Ken Bradley of the Department of Environment, regarding Integrated Coastal Zone Management in NI, forwarded to Dr Myers on 15th November 2004 for his information. Mr Bradley had sent the same letter to the Chief Executive of the Rivers Agency, Mr Hagan, and Rivers Agency had replied.

12.3 Response dated 24th November 2004 to Councillor Conway's telephone enquiry of 28th October 2004 on behalf of Mr John Gallagher from Artigarvan, Strabane who is concerned that the Burndennet River appears to be encroaching on Donemana Cricket Club's pitch.

12.4 Response dated 24th November 2004 to Councillor Nicholl's enquiry of 17th November 2004 on behalf of Councillor Allan Bresland from Sion Mills, Strabane who is also concerned that the Burndennet River appears to be encroaching on Donemana Cricket Club's pitch.

Councillor Conway advised that Donemana Cricket Club is a prosperous, well-known club that is extensively used by both sides of the community. He suggested that Rivers Agency's response was not definitive in stating that it "does not normally undertake remedial works to arrest the natural process of river erosion or bank slippage where there is no risk to the stability of a road, built property or flood defences" and asked if, under the circumstances, the Club could not be treated as an exceptional case.

Some debate ensued about the statement specifying built property for protection, and Councillor McCambridge suggested that while not bricks and mortar, the cricket pitch was a property in the wider sense and could be more valuable than a built property.

Mr Hamilton clarified the Agency's policy by explaining that built property was specifically included because it covered dwellings and commercial premises and, as such, protection would often include the protection of life which was a priority. He explained that exceptional circumstances where erosion of land was an issue might include erosion resulting from previous work undertaken by the Agency. In such circumstances the Agency would consider payment of compensation for land loss. He also explained that the Agency would have an interest if materials washed from a riverbank were to accumulate and cause an obstruction likely to affect the free-flow of water.

Councillor Conway asked if the Agency could re-examine its position. Mr Hamilton advised that while he appreciated the social impact of this particular case, the Agency was unable to alter its position as it had to be careful about setting precedents and had to adhere to policy which was subject to Audit scrutiny.

Mr Hagan added that the Rivers Agency acknowledges the value of the Cricket Club's pitch to the local community and sympathises with them, however the Agency is unable to go beyond the remit of the policy. Mr Hagan suggested that if Councillor Conway wished to pursue the matter further he could write and request that the policy in question be re-examined.

12.5 Response dated 20th December 2004 to Councillor McHugh's enquiry of 29th November 2004 on behalf of Mr John Maguire from Lack Road, Ederney regarding the Clonee Bridge.

12.6 Letter to Dr Myers dated 23rd December 2004, from DARD Permanent Secretary Mr Pat Toal, regarding Drainage Council responsibilities under the Freedom of Information Act. Mr Hamilton explained that Rivers Agency would deal with any requests for information received.

13. ANY OTHER BUSINESS

The Chairman asked if members had any other business to discuss.

13.1 Councillor Conway conveyed his thanks to those in attendance for visiting the North-West.

13.2 Mr Crawford drew to the attention of the Council a current proposal for development over the River Foyle. Mr Crawford enquired if the Rivers Agency was aware of the proposals and if it was content with them.

Mr Hamilton responded by verifying that the Rivers Agency is aware of the proposals and has provided comment on them.

Councillor Conway commented that Derry City Council is in favour of seeing the proposed developments on vacant sites throughout the city rather than over and/or on the river.

13.3 Drainage Council Appointments and Re-appointments

Mr Hamilton advised members that the term of the current Drainage Council ends on 30th September 2005 and the Department will be initiating the appointment procedures over the coming months, following District Council elections in May 2005.

Councillor Conway asked how the results of those elections might affect those members of the Drainage Council who are elected representatives.

Mr Hagan advised that the current membership of the Drainage Council would remain unaffected for the remaining term of the Council regardless of the election results.

Mr Hamilton also reminded members that in accordance with the guidance of the Commissioner for public appointments members serve two terms only. For first term members, reappointment is at the decision of the Minister and is dependent on satisfactory appraisal of performance and attendance. In the case of District Councillors re-appointment is also subject to re-election and re-nomination by their District Council.

13.4 Members Folders

Mr Hamilton brought members attention to the following forms in their folders: -

- Enquiry form;
- Travel Expenses form.

13.5 Next Meeting

Mr Hamilton reminded members that the next meeting was on Wednesday 22 June 2005 and that it was currently proposed to hold the meeting in the Downpatrick area to accommodate a site visit to the Quoile.

Members will be notified of venues in the normal way.

13.6 Retirement of Mr Hamilton

The Chairman advised Members that it had been Mr Hamilton's last Drainage Council meeting as he would be retiring before the next meeting. The Chairman thanked Mr Hamilton for his dedication and input over the years and wished him a happy retirement.

Councillor Conway expressed his personal thanks to Mr Hamilton who he had found to be most helpful and courteous. This was endorsed by the other Members in attendance.

13.7 The Chairman confirmed there was no other business to be discussed then thanked members for having attended.