

**MINUTES OF 136th MEETING OF THE DRAINAGE COUNCIL FOR
NORTHERN IRELAND HELD AT 10.30am ON WEDNESDAY,
28 SEPTEMBER 2005 AT THE GLENAVON HOUSE HOTEL, COOKSTOWN**

Present:

Dr R Myers (Chairman)
Mr J Hagan
Mr R G Cummings
Mr P McElroy
Mr C Mairs
Mr R Watson
Mr G Crawford
Councillor C McCambridge
Councillor G Rainey
Councillor H Nicholl
Councillor R Thompson
Councillor G McHugh
Councillor M Gillespie

In Attendance:

Mr A Morton (Secretary)
Mr R White
Mr A Kirkwood
Mr M McLean
Mr I McFarlane
Mrs M McKeown
Mr D Maguire

1. INTRODUCTION TO BUSINESS

The Chairman welcomed members to the 136th meeting of the Drainage Council; the final meeting of the current Council. He welcomed back Mr Iain McFarlane, who was attending to answer any questions members might have in relation to the Rivers Agency's Annual Report and Accounts. He also introduced Mr Albert Kirkwood, Eastern Regional Engineer, who was standing in for the Director of Operations, and Mrs Mary McKeown also of the Agency who was attending to provide administrative support.

2. APOLOGIES

The Secretary offered apologies received from Mr Pat McBride, Mr George Savage, Councillor Alan Graham and Councillor Thomas Conway.

He then conveyed a message received from Councillor Conway: that he regretted being unable to attend the final meeting but had been unable to excuse himself from other statutory business. Councillor Conway also passed on his thanks to Drainage Council colleagues and also his praise for Rivers Agency support staff for what had been a very enjoyable and fulfilling experience over the term of his appointment.

3. MINUTES OF 135th 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.

Mr Hagan asked through the Chair whether any member would object to photographs being taken during the meeting. No objections were raised.

4. MATTERS ARISING

The Secretary referred members to the last paragraph of Item 5 of the previous minutes and explained that the Chairman's letter to the Minister regarding Rivers Agency staffing and Lord Rooker's subsequent response would be covered under correspondence - Item 11.

The Chairman asked whether there had been any developments and Mr Hagan explained that a selection board was scheduled to take place in October for the Director of Development and Director of Operations posts. The Chairman welcomed this news.

No other matters were raised.

Councillor Gillespie advised that he was going to have to leave the meeting shortly as he had other business to attend to.

5. UPDATE ON MAJOR WORKS PROGRAMME

Mr White made a presentation on the Major Works Programme after explaining that the programme included over 100 projects at various stages of development and would cost an estimated £6 million over the 2005-06 financial year.

5.1 Schemes achieving substantial completion since the June 2005 Drainage Council Meeting

Coleraine – Windyhall Branch and Screen Road Drains;
Ballyskeagh – River Lagan;
Kilkeel – Kilkeel Harbour River (Slides shown to members).

Mr White advised that Rivers Agency had been complimented by riparians on the Flood Alleviation Scheme carried out on the Kilkeel Harbour River.

5.2 Current Schemes

Banbridge – Rifle Park Stream;
Enniskillen – Killynure Lough Drain;
Maghera – Coleraine Road;
Downpatrick – Quoile Barrier (Slides shown to members). Mr White reminded members of the presentation made by Mr Philip Mehaffey at the October 2004 Drainage Council meeting.

5.3 Schemes Proposed to Commence Soon

Portrush – Tar Burn;
Maghera – Fairhill Stream;
Whitehead – Slaughtersford Water;
Magherafelt – Ballymoghgan;
Lisburn – Plantation Road;

Dromore – Mossvale Stream;
Newcastle – Burren River;
Banbridge – Belmont Stream Phase 2;
Newry Floodbank Upstream of New Street;
Lower River Bann.

5.4 Feasibility Studies

Ballymoney – Johns Lane;
Ballymoney – Ring Road;
Aldergrove – Airport Drain;
Magherafelt – Highfield Road;
Moneymore – Moneyhaw River;
Dungannon – Park Lake 3;
Enniskillen – Portora Barrage;
Lough Foyle Sea Defences;
Limavady – River Roe;
Bellaghy – Oldtown Extension Drain;
Coleraine – Lodge Burn;
Carrickfergus;
Whiteabbey;
Mallusk;
East Belfast;
Sea Defence Monitoring.

The Chairman invited questions and Mr Watson asked when the Killynure Drain scheme was due to be completed. Mr White advised early 2006.

[Councillor Gillespie left the meeting]

No other questions were asked and the Chairman invited Mr Kirkwood to present the flooding report.

6. FLOODING REPORT

Mr Kirkwood advised members that there had been generally fine and dry weather over the summer period with little heavy rainfall and few occurrences of flooding. The only exception was on 31st August when there was localised, heavy rainfall at a number of locations, mostly in County Tyrone, south Londonderry and west and north of Lough Neagh - the worst being in Coalisland where Rivers Agency attended an incident of flooding affecting 8 properties adjacent to Coalisland Mill Race, a designated watercourse. The cause of the flooding is being investigated.

Other towns affected by minor flooding were Magherafelt, Castlederg and Maghera, from a combination of blockages and obstructions, overland flow and storm/road drainage overloading.

In all, 9 properties were flooded and Rivers Agency had some 50 staff in attendance including industrial staff, foremen, engineers and lands staff.

Overall rainfall was not particularly heavy, recorded at 10mm/hr for brief periods of 1 – 2 hours during the afternoon of the 31st, but was very localised. In general, river levels were low with no general flooding from main watercourses.

During the course of this business year (from 01/04/05 – 31/08/05) the occurrence of flooding has been low, with a total of only 31 incidents, all being attended within the 3-hour target.

Regional staff continue to liaise with their counterparts in Roads Service and Water Service through Inter-Agency Flood Liaison Regional Groups to ensure good communication systems are in place for flood emergencies and that flooding issues are being effectively addressed.

[Councillor Thompson and Mr McElroy joined the meeting.]

The Chairman thanked Mr Kirkwood for his presentation of the flooding report and invited comments or questions.

Councillor McHugh asked whether the over use of farm machinery contributed to flooding problems due to the compaction of land. The Chairman advised that there was no doubt that compaction caused run-off problems as the land would be less absorbent. He added that rainfall itself would also compact the ground. Mr Hagan advised that there were also absorption problems during the summer months when the ground was baked hard.

Mr McElroy suggested that the lack of maintenance of roads would also contribute to flooding and the Chairman advised that this was certainly another factor to be accounted for in future design standards.

7. DESIGNATION OF WATERCOURSES

7.1 MW3928Ext, Clanrolla Tributary Extension, Lurgan

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

7.2 U21117Ext, Cosquin Burn Extension, Londonderry

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

7.3 U3G370, Lisnabreeny Burn, Belfast and U3G359 Ext, Knockbreckan Stream Extension, Belfast

Mr Kirkwood gave background reports and on the proposal of Councillor Thompson, seconded by Mr McElroy, the Council determined that the watercourses should be treated as designated watercourses.

7.4 U2210, Tullyverry Drain, Greysteel

Mr Kirkwood gave a background report and drew attention to the related minor works detailed on page 36 of the Business Books. On the proposal of Mr Crawford, seconded by Councillor McCambridge, the Council determined that the watercourse should be treated as a designated watercourse and noted the associated minor works.

Mr McElroy enquired whether the works were for the protection of one property and, if so, when that property was built. Mr Kirkwood confirmed that the works would protect a property at the upstream limit of the watercourse and that he did not have details on the age of the property at hand. He explained that the benefits would be derived from proposed development within the local area plan.

8. DESIGNATION OF WATERCOURSES AND SCHEMES

8.1 U4/3124 – Belmont Stream, Banbridge

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

Mr Crawford commented that the watercourse runs into the River Bann and that there was a fisheries interest. He advised he did not see a problem with the work but was concerned about discharge. He asked whether the Rivers Agency had consulted with the Fisheries Conservancy Board and Mr White confirmed that it had.

8.2 U3777 - Mullaghboy Drain, Islandmagee

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

9. SCHEME RECOMMENDED FOR ACCEPTANCE

9.1 U2706- Townhill Road Drain, Portglenone

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

10. MINOR WORKS

10.1 U2210, Tullyverry Drain, Greysteel

The Chairman advised members that these minor works had already been covered under Designation of Watercourses (see paragraph 7.4).

11. CORRESPONDENCE RECEIVED SINCE LAST MEETING

The Secretary referred members to the copies of correspondence provided in their folders:

11.1 Dr Myers' letter of 30th June 2005 to the Minister, Lord Jeff Rooker, regarding the Drainage Council's concern about Rivers Agency staffing and Lord Rooker's subsequent response dated 14th July 2005 – discussed under Matters Arising.

11.2 Response dated 8th July 2005 to Councillor McHugh's enquiry of 22nd June 2005 regarding maintenance of Corragh Lough Drain - from Keady Lough to Corragh Lough at Dooross and Drunhose, Lisnaskea.

11.3 Response dated 20th July 2005 to Councillor Gillespie's enquiry of 24th June 2005 on behalf of Mr Francie Molloy of Derrymagowan, Dungannon regarding maintenance of watercourse at Killyman Road, Moy.

11.4 Response dated 15th September 2005 to Mr Cummings' enquiry of 29 August 2005 on behalf of Mr Tim Herdman of 125 Tullysaran Road, Armagh concerning planning permission granted by Planning Service for a site adjacent to his property which is located near the Ballymartrim River.

Mr Cummings asked what precautions were taken regarding the building of property on a floodplain. The Secretary explained that in this case, near the Ballymartrim River, the building was a single dwelling and as such the onus was on the individual undertaking the building work to take whatever precautions were necessary.

Councillor McHugh asked what consultation took place at the planning stage and commented that it was perceived that, with the money and pressures involved, floodplains were often ignored by developers.

Mr Hagan advised that there was extensive consultation with Planning Service, with Rivers Agency pursuing a policy of opposition to development in floodplains and that developers more often than not took account of advice received, hence there was less of a problem in NI compared to other parts of the UK. However he reiterated that the onus was on developers to take account of the risks associated with building in any location and that Rivers Agency did not have the resources to provide proactive advice in all such cases.

Councillor McHugh stated that Planning Officers would sometimes seek advice from Councillors and Mr Hagan advised that where there was development of more than a single dwelling the Planners would consult with Rivers Agency.

Mr Cummings asked whether Rivers Agency was obliged to attend and provide assistance in all flooding events. Mr Hagan confirmed that there was no such obligation but that the Agency would respond to such events to the extent possible where there was potential risk to life and/or property and to support other Agencies.

Mr Cummings asked if it could be agreed with Planning Service that they consult with Rivers Agency on planning for all single dwellings in flood plains. The Chairman advised that it had already been explained this was not feasible with the current demands on the resources available.

Mr Kirkwood advised that where Planning Service did not appear to have consulted with neighbouring property owners, that the problem should be raised with Planning Service, and that Rivers Agency would give advice if approached.

Mr Cummings stated that there were often economic pressures on farmers to sell land for development. Mr Kirkwood stated that the onus was on landowners to advise buyers if the land they were purchasing for development was prone to flooding and potential developers should undertake thorough searches of the history of a site before purchasing.

Mr Watson asked whether Planning Service had guidelines on standards for sites, whether surveys of sites were carried out and whether this should form part of the Planning Application.

Mr Hagan advised that the discussion was going beyond the remit of the Drainage Council but added that apart from the impact of infilling of floodplains, it was possible to build safely anywhere so long as the developer was prepared to take the necessary precautions and prepare the site appropriately. It was often just a case of economics.

Councillor Rainey advised that during his term as Councillor, any doubt about a site was best referred to Rivers Agency who, in his experience, provided sound advice that was usually accepted as such by the Planners. He commended the quality of advice given by Rivers Agency which was evidently always based on up-to-date data.

The Chairman confirmed there were no other issues and invited Mr Hagan to address those present on the Rivers Agency Corporate and Business Plans which had been issued to members prior to the meeting.

12. CORPORATE AND BUSINESS PLANS

Mr Hagan began by referring to the Rivers Agency's Annual Report and Accounts which was sent to members along with the Corporate and Business Plans. He explained the Annual Report and Accounts was not in the final printed format and that a final copy, similar to the format of the Corporate and Business Plans, would be sent to members when received from the printers.

Turning to the Corporate and Business Plans he explained that he only intended to highlight certain areas of the Plans and invited members to raise any questions on these or any other area not covered.

Areas highlighted from the Corporate Plan included:

12.1 *European Water Framework Directive* – Mr Hagan explained that the 3 main impacts of the Directive on the Agency included active participation in the development of River Basin Management Plans, ensuring that the objective of mitigation of floods receives appropriate attention and contributing to the Directive’s main aim of achievement of “good” status within its programmes of flood defence and river maintenance works.

Mr Crawford asked about the River Basin Management Plans. Mr Hagan advised that work on development of these and other aspects of WFD implementation was being considered through various boards and committees within Government under the leadership of EHS.

12.2 *Introducing charges for infrastructure works* – Mr Hagan explained that the methodology was still being developed and that there would be public consultation on the proposals for charging. He also explained that subordinate legislation would be required to implement the charging regime.

Councillor McHugh asked whether there might be a risk of a developer taking shortcuts if he was going to have to pay and Mr Hagan explained that Rivers Agency would still carry out the works. He added that a developer might be able to avoid charges if he was, for example, to provide a drainage storage facility that would not add to discharge, however this would all be considered in the methodology.

Mr Cummings referred to a reference to establishing a groundwater borehole monitoring network in Northern Ireland and suggested this would be of interest to farmers ahead of pending water charges. Mr Hagan explained that the types of boreholes referred to were strictly for monitoring purposes and not for the supply of water. As a point of interest, and leading to the next area highlighted, Mr Hagan added that a borehole at Larne had picked up readings from the Asian Tsunami.

12.3 *Climate Change* – Mr Hagan explained that climate change and its impact was a fact that was now accepted and for which allowances had to be made. He referred to events during the year that had resulted from intense downpours and the effects on emergency flooding response and flooding plans.

Referring to the Asian Tsunami and recent events in New Orleans, Councillor McHugh asked whether an assessment of coastal defences should be considered.

Mr Hagan advised that this was done as part of managing flood defence assets and quoted the sea defences at Newtownards as an example where works had been carried out to upgrade the structure. He explained that Rivers Agency monitored the defence and was satisfied with the standards.

Mr White advised that the Rivers Agency had been part of a group which completed a project on the likely effects of a Tsunami on the British Isles and that while research was ongoing, Northern Ireland was considered one of the regions in the British Isles least likely to be affected.

Mr Kirkwood advised that the inspection regimes for defences had improved in recent years and regular inspections were ongoing.

Mr McElroy advised that he could not recall a coastal defence scheme on the south Down coast and that any EU funding appeared to be destined for English regions. Mr Hagan referred to the Newry scheme and advised that it should provide adequate protection in the area.

Councillor McCambridge commented that, with coastal defences, a balance needed to be struck between protection and visual impact.

Councillor Rainey commented that the water table was higher than previously in all areas.

12.4 Efficiency and Value for money – Mr Hagan specifically highlighted Business Risk Management and developing the methodology to charge for infrastructure works.

Areas highlighted from the Business Plan included:

12.5 Key and Secondary Targets – Mr Hagan referred to the range of secondary targets which support the Agency's Key Targets for 2005/06 and advised that last year's Key Targets had all been achieved.

12.6 Environmental Protection – Mr Hagan referred to the statutory provision for the protection of fisheries and more widely based assessment of the environmental impact of works.

12.7 Emergency Planning - Mr Hagan explained that while Rivers Agency would seek to provide a fast and effective response to any watercourse-related flooding incident with a view to mitigating any threat to life or property, it was not always the lead organisation. He explained that the Emergency Services often had a vital role to play and that local Councils also had responsibility within their areas.

Mr Watson enquired about lessons learnt from the Derry flooding incident. Mr Hagan explained that a debrief had taken place after the incident with the co-responding organisations and that any lessons had been fed back into the process for providing an integrated response.

Mr McElroy enquired who was responsible for canals. Mr Hagan explained that the responsibility for navigation had transferred to DCAL, and Waterways Ireland in respect of certain waterways. Mr McElroy then asked specifically about work on the Newry Canal and Mr Kirkwood advised that Rivers Agency had a continued responsibility for maintenance for drainage reasons and that work was ongoing and would continue in the future.

Mr Cummings asked about the controlling of Lough Neagh levels. Mr Hagan explained that the Rivers Agency endeavoured to control the levels within a statutory range of 6 inches and had a good record in doing so. Mr White explained that there were two ongoing interlinked projects concerning the Lough, including motorisation of the sluice gates and the development of a computer model on how the Lough operates.

Mr Crawford and Mr Watson both complimented Rivers Agency on the quality of the Corporate and Business Plan booklet and Mr Watson enquired about updates to the Rivers Agency Internet site. Mr Hagan accepted that the Internet site was in need of updating, explaining recent resource pressures had impacted in this area of work. He went on to explain that a project to revamp all NICS websites would be addressing many of the problems with the Rivers Agency site over the next few months and it was planned to make much wider use of IT in future.

Councillor McCambridge said that she had always found Rivers Agency to be very efficient with any IT-produced documentation presented to a high standard and that she had no doubt that available staff were working to full capacity.

13. ANNUAL REPORT AND ACCOUNTS

Referring to the Annual Report, Mr Hagan drew members attention to the Agency's outturn against Charter Standards for 2004/05 and the fact that all targets had been achieved despite the staff shortages over the period.

Mr Cummings commented that the report was very good, that he had found it an interesting and enjoyable read and that the Agency was to be congratulated.

The Chairman invited Mr McFarlane to address members on the Accounts.

Mr McFarlane guided members through the Agency's Accounts explaining the standard format used. He gave the members a brief resume of the key statements in the accounts namely the Statement of Internal Controls, the Audit Certificate, Income and Expenditure Account, Balance Sheet, Cash Flow Statement and the Notes to the Accounts. He advised that the Accounts had been accepted by NI Audit Office without any qualifications. He then invited questions or comments.

Mr McElroy asked what the overall budget for 2004/05 was. Mr McFarlane explained that the total budget was in the region of £38M split by Administration, Programme and Capital. He also pointed out that the total budget included notional budgets such as Cost of Capital and Depreciation.

Mr McFarlane addressed a number of other minor points regarding fixed assets and revaluation. He explained that generally, if an asset is revalued, the double entry 'debit' to the fixed asset account is balanced by a corresponding double entry 'credit' to the revaluation account. He explained this was a book entry to ensure the Agency's assets are stated at current costs and referred members to the corresponding notes to the accounts by way of explanation.

Mr Crawford asked about future prospects and Mr Hagan explained that the Agency did not require any additional capital funding at this time but there was a shortfall in funding on the programme side. Mr Crawford asked if capital could not be used for programme and Mr Hagan explained that was not permissible.

The Chairman confirmed that members had no other queries regarding the Annual Report and Accounts before inviting any other business.

14. ANY OTHER BUSINESS

14.1 Mr McElroy offered apologies for his attendance record over the previous year explaining that he had suffered a number of bereavements.

He went on to say that he had thoroughly enjoyed his 8 years as a Drainage Council member and that of all such boards he had sat on, the Drainage Council had been the one that had offered the most satisfaction due to Rivers Agency's efforts and hard work. He also expressed his thanks to Mr Hagan and Rivers Agency staff for all the work carried out, particularly in the Newry area.

The other members were in agreement with these sentiments and Mr Cummings commented on the efficient way in which paperwork was dispatched.

Mr Hagan gave his thanks for the kind words and advised that he would pass the compliments and gratitude members had expressed onto his staff. He emphasised the importance of the work of the Drainage Council to the Rivers Agency and expressed his appreciation to members for their commitment, participation and enthusiasm and gave his best wishes to those members who would not be returning for the next Drainage Council.

Mr Hagan gave special thanks to Dr Myers for his chairmanship and to all the support staff.

The Chairman in turn gave his thanks to Rivers Agency staff and to Drainage Council members for their participation and enthusiasm. He stated that he had personally found the experience enjoyable, stimulating and interesting.

14.2 Before the meeting was brought to a close, a special thank you and farewell was given to Mr White who was attending Drainage Council for the last time before his retirement. Appreciation was expressed for his professionalism and contribution to the work of the Agency and Drainage Council over the years. Mr White gave thanks to the Drainage Council in return.

14.3 Members Folders

The Secretary brought members attention to the following forms in their folders: -

- Enquiry form;
- Travel Expenses form.

14.4 Next Meeting

Date of the next meeting to be arranged and new and returning members notified.

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