

**MINUTES OF 137th MEETING OF DRAINAGE COUNCIL FOR NORTHERN
IRELAND HELD AT 10.30am ON WEDNESDAY, 8 MARCH 2006 AT
TULLYLAGAN HOUSE HOTEL, COOKSTOWN**

In attendance:

Mr G Boyd
Mr G Crawford (elected Chairman)
Mr R Cummings
Dr H Johnston
Dr A McGarel
Alderman R Beggs
Councillor M Gillespie
Councillor A Graham
Councillor O Hughes
Councillor W King MBE
Councillor J McBriar
Councillor C McCambridge
Councillor G McHugh
Alderman H Nicholl (elected Vice-chairman)

Present:

Mr P Mehaffey
Mr J Clarke
Miss N Taylor
Mrs M McKeown
Mr D Maguire

**RECORD OF PROCEEDINGS DURING MORNING INDUCTION
OF COUNCIL MEMBERS**

INTRODUCTION AND PRESENTATIONS TO MEMBERS

Mr Mehaffey introduced himself as Rivers Agency's Director of Operations before welcoming new and returning members to the morning's induction session. He explained that while formal apologies would be recorded at the commencement of main business in the afternoon he had to offer immediate apologies on behalf of Mr John Hagan, Rivers Agency Chief Executive, and Mr Alan Morton, Director of Corporate Services and Secretary to the Drainage Council.

Mr Mehaffey explained the structure of the Rivers Agency's Management Board and introduced Mr John Clarke, Director of Development, and also Rivers Agency support staff, including Miss Norma Taylor who, he explained, would be deputising for Mr Morton.

Mr Mehaffey explained the domestic and practical arrangements for the day and members were shown a timetable for proceedings.

Mr Mehaffey then invited a brief round of introductions before making a presentation covering:

- History of Publicly Funded Drainage;
- Rivers Agency Structure, Aims and Operational Objectives;
- Staff and Financial Resources;
- Operations Directorate Functions;
- The Environment;
- Grille Maintenance;
- Sea Defences;
- Flooding response;
- Planning/advisory functions; and
- Lough Level Management for Lough Neagh and Lough Erne .

Mr Mehaffey invited questions or comments before inviting Mr Clarke to make a presentation which covered:

- Development Directorate Functions;
- Asset Management Plans;
- Maintenance;
- Major Works (included on main business agenda);
- Prioritisation, Economic Appraisal and Cost Benefits;
- Best Practice Client Frameworks, Consulting Engineers & Contractors;
- Procurement;
- Proposed Infrastructure Charging;
- External Change;
- Water Framework Directive; and
- Proposed Floods Directive.

Questions or comments were invited before Miss Taylor made a presentation covering:

- Corporate Services Directorate Functions;
- Drainage Council;
- Appointments;
- Election of Chair/Vice-Chair;
- Membership of Drainage Council;
- Statutory Duty of Drainage Council;
- Main Functions of Drainage Council;
- Process of Designation/ De-designation;
- Consideration of Drainage/Flood Defence Schemes;
- Drainage Council's Consultee Role;
- Conduct and Order of Business;
- Expenses Claims;

- Probity/Register of Members Interests (declaration to be completed);
- Freedom of Information/Environmental Information Regulations;
- Data Protection (consent form to be completed); and
- Appraisal of Members Performance.

Councillor McHugh asked whether the Rivers Agency is ever pressurised regarding private development on floodplains following a Planning decision. Mr Mehaffey explained that Rivers Agency were unlikely to be pressurised in such cases as it only acted in an advisory capacity, with the decision resting firmly with Planning Service.

Councillor McHugh asked about the effects of concreting permeable ground and gave the example of gardens being concreted to facilitate car-parking. Mr Mehaffey explained this was considered when determining the urbanisation of catchment areas.

Mr Boyd asked about Rivers Agency's remit with regards to sea defences and ports. It was explained that the remit was limited to maintenance of designated sea defences but additional responsibility may be assigned by the Floods Directive. He asked whether Rivers Agency would respond in an emergency. Mr Mehaffey explained there would be an inter-Agency response to flooding events.

Alderman Beggs asked whether there was a regular grille inspection and maintenance programme to help prevent flooding incidents. Mr Mehaffey confirmed there is a system for designated watercourses but added that grilles could become blocked literally hours after an inspection. He went on to explain that blockages were often due to the behaviour of the public, ie dumping into or at the side of watercourses; heavy rainfall then washes debris downstream where it may block a grille. He explained how Rivers Agency is proactive, upon receiving a severe weather warning, in checking grilles with a history of blocking/flooding.

Alderman Beggs then asked about developers who might damage a grille. Mr Mehaffey explained that Rivers Agency works with developers and might direct that a grille be moved when considering an application for consent to works under Schedule 6 of the Drainage Order.

Referring to Mr Clarke's presentation, which covered work carried out by contractors/consultants, Councillor Graham asked what type of work is included. Mr Clarke explained they are involved in flood alleviation, drainage infrastructure and design. Councillor Graham then asked whether any consultants etc worked exclusively for Rivers Agency and Mr Clarke explained that an organisation might dedicate a particular team with expertise to such work.

Councillor McHugh asked whether there was any concern that quality might suffer as a result of the tendering process. Mr Mehaffey advised that the terms of the Consulting Engineer Framework have helped to establish and build up levels of expertise. Mr Clarke explained that the tendering process is driven by quality and cost and that the Agency makes a selection with the knowledge of each contractor's strengths and weaknesses.

Mr Cummings asked if such practice is proper under the procurement procedures. Mr Mehaffey confirmed it is proper and permitted under the terms of the Framework and insisted upon by Treasury.

Mr Mehaffey went on to explain there is an open and frank two-way process for providing feedback and that this has helped to forge good working relations between the Agency and its agents, with all parties understanding the standard that is required and aware that quality, not only cost, is a determining factor in securing contracts.

Alderman Nicholl asked whether Rivers Agency faces any restrictions on work from March to August due to environmental factors such as nesting. Mr Mehaffey explained that the Agency faces similar seasonal environmental restrictions as the farming community.

Councillor Hughes advised that his constituents are keen to have more watercourses designated and asked whether there are budgetary constraints. Mr Mehaffey explained that Rivers Agency faces the same financial constraints as every other government organisation and that any work carried out on a watercourse has to be for the greater public good and pass a cost-benefit analysis. He explained that the Agency's prime focus is on flood risk management. He also explained that once a watercourse is designated it is often difficult to de-designate and the Agency is already responsible for a vast network, almost 7,000 km, of watercourses.

Councillor Hughes referred to a discussion with a contractor regarding the clearing of overgrown bushes on a watercourse and Mr Mehaffey explained it would not be possible to comment on such matters without more information.

Referring to the proposed charging of developers for drainage infrastructure works Alderman Beggs asked whether developers with the correct plant and competence would be permitted to carry out necessary works themselves. Mr Mehaffey advised they could, but added that the works required are often outside the developers' site. However should the developer get permission then the proposal would be given due consideration. It was added that historically if a developer had sought to carry out such works, Rivers Agency would have provided part funding and worked with the developer.

Mr Mehaffey confirmed there were no other questions or comments before ending the morning's induction session. He advised that the meeting would resume after lunch at 1.45pm.

The Drainage Council reconvened at 1.45pm and Mr Mehaffey explained the procedures for the election of Chairperson and Vice-chairperson.

ELECTION OF CHAIR AND VICE CHAIR

On the proposal of Alderman Nicholl seconded by Councillor McCambridge, and in the absence of any other nomination, Mr Crawford was elected as Chairman for the incoming term.

On the proposal of Councillor Graham, seconded by Alderman Beggs, Alderman Nicholl was nominated for the Vice-chairperson role. On the proposal of Councillor McHugh, seconded by Councillor Gillespie, Councillor Hughes was also nominated for the Vice-chairperson role. A secret ballot was held and Alderman Nicholl was duly elected as Vice-chairman.

Congratulations were offered to both successful candidates.

RECORD OF BUSINESS MEETING BETWEEN 2.00PM AND 4PM

1. INTRODUCTION

Assuming the chair, Mr Crawford thanked members for their support and added that he considered it an honour and hoped to be able to perform to everyone's satisfaction during his term. He then welcomed back returning members and welcomed new members to the Drainage Council before turning to the agenda and asking for apologies.

2. APOLOGIES

In addition to Mr John Hagan and Mr Alan Morton, apologies were offered on behalf of Alderman Edwin Poots, Mr Pat McBride and Miss Janice Gault.

The Chairman explained that Mr Hagan and Mr Morton were unable to attend due to health reasons and asked that the sympathy of the Drainage Council and wishes for a speedy recovery be conveyed to both.

3. MINUTES OF 136th MEETING

The Chairman asked for a judgement from returning members that the minutes presented represented a true record of the last meeting. On the proposal of Alderman Nicholl, seconded by Mr Cummings, the minutes were accepted and signed by the Chairman.

4. MATTERS ARISING

Referring to 5.4 of the previous minutes Alderman Beggs enquired about the nature of the feasibility study carried out in the Carrickfergus area. Mr Clarke explained that it had been a joint study undertaken with Road Service and the Water Service relating to recent flooding in the area and that a report was due to be published in the winter of 2007.

Alderman Beggs asked if the same was true of the feasibility study in the Whiteabbey area and Mr Clarke confirmed that it was, with the situation being very similar.

The Chairman confirmed there to be no other matters arising before inviting Mr Clarke to provide an update on the Major Works Programme.

5. UPDATE ON MAJOR WORKS PROGRAMME

Mr Clarke made a presentation on the Major Works Programme after explaining that the programme included over 50 projects at various stages of development and would cost an estimated £6 million over the 2006-07 financial year.

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

Dromore – Mossvale Phase 2;
Banbridge – Rifle Park Stream;
Maghera – Coleraine Road.

5.2 Current Schemes

Enniskillen – Killynure Drain;
Lisburn – Plantation & Altona Streams;
Maghera – Fairhill Stream Phase 2;
Downpatrick – Quoile Barrier *[photo slides shown]*;
Newcastle – Burren River Flood Alleviation Scheme *[photo slides shown]*;

Having been invited by Mr Clarke to comment on the Quoile Barrier Scheme, Mr Mehaffey explained there had been significant environmental constraints concerning fisheries and that Rivers Agency had liaised with fisheries bodies regarding the provision of fish passes.

5.3 Schemes Proposed to Commence Soon

Mr Clarke explained that these were subject to the availability of funding and prioritisation.

Banbridge – Belmont Stream Phase 2;

Whitehead – Slaughtersford Water;
Magherafelt – Ballymoghlan [*to be presented for determination later in meeting*];
Lower River Bann [*photo slides shown*];

5.4 Feasibility Studies

Money more – Moneyhaw River;
Ballymoney – Ring Road;
Sea Defence Asset Management Plan;
Stoneyford – Stonebridge Meadows;
Londonderry – Nixon’s Corner;
Mallusk – Ballymartin/Blackwater;
Carrickfergus;
Whiteabbey.

The Chairman invited questions and Dr McGarel asked whether schemes are factored by capital costs only or if the life of the benefits of work is a consideration.

Mr Clarke confirmed that the lifetime is factored. He advised that that while a 50-year life is considered a cut-off in financial terms, a 100-year physical life is considered to be more practical. Using the Quoile Barrier as an example he also explained that maintenance costs have to be accounted for.

Councillor King asked for confirmation that the Feasibility Study proposed for Ballymoney related to the Ring Road and Mr Mehaffey confirmed that it did.

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

6. FLOODING REPORT

Referring to slides, Mr Mehaffey advised members that there had been three recorded flooding events since the last meeting of the Drainage Council in September 2005. He provided details on each of the events as follows:

- 23rd/24th October 2005 – there was approximately 25mm of rainfall in a 24-hour period across the Province with consequent heavy accumulations and flooding mainly in the east. Rivers Agency received 120 calls, and flooding of properties was recorded in Newcastle, Ballyclare and Stoneyford with 10, 2 and 10 properties affected respectively. He advised that the River Lagan was recorded at a 1 in 3 year level, ie a level it has a 33% chance of attaining in any year.
- 1st December 2005 - there was approximately 25mm of rainfall in a 24-hour period of high intensity and affecting mainly the Greater Belfast Area. Rivers Agency received 14 calls and flooding was recorded at Greencastle (M2) and the

Lower Ormeau (Water Service responded). He advised that no significant river levels were recorded.

- 7th December 2005 – there was approximately 49mm of rainfall recorded in a 24-hour period in the Newcastle area. Rivers Agency received 16 calls, and flooding affected mainly roads and Water Service sewers. The Shimna River was recorded at a 1 in 2 year level, ie a level it has a 50% chance of attaining in any year.

Councillor McHugh asked if there had been any recorded change in rainfall levels over recent years. Mr Clarke advised that trends are difficult to determine and that while temperature is rising and events such as those in Carlisle and Boscastle have been attributed to Global Warming, he doubted that professional opinion would fully support this theory.

The Chairman confirmed that there were no other questions before turning members to the next agenda item.

7. DESIGNATION OF WATERCOURSES

Mr Mehaffey explained the format for submissions presented to the Drainage Council and outlined the various markings/colours used on maps.

7.1 U1812, Ardean Drain, Moortown, Co Tyrone

Mr Mehaffey gave a background report and drew attention to the related minor works detailed on page 47 of the Business Books. On the proposal of Councillor Gillespie, seconded by Councillor McHugh, the Council determined that the watercourse should be treated as a designated watercourse and noted the associated minor works.

Alderman Beggs asked how the benefits of works are calculated. Mr Clarke referred to his morning presentation and explanation of cost-benefit analysis. He explained that it depends on the nature of works. Where works are development led, a cost yardstick per house is used. Where flood risk is the factor, then the damage likely to occur is assessed and a cost-benefit analysis is carried out. He explained that with infrastructure repairs the Agency will always seek the most cost effective method.

Councillor Hughes suggested that a presentation on cost benefit appraisal of drainage schemes would be helpful to members.

Councillor Graham recalled a presentation during his last term on the Drainage Council that was useful in explaining how schemes were evaluated. After some discussion it was agreed that a similar presentation would be arranged for the next meeting and that notes would be provided for members.

The Chairman referred members back to proposed designations.

7.2 U3810, Ballytromery Stream, Crumlin

Mr Clarke gave a background report and on the proposal of Alderman Nicholl, seconded by Dr Johnston, the Council determined that the watercourse should be treated as a designated watercourse.

7.3 MW3733 Ext, Bough Bridge Stream Extension, Ballycarry

Mr Mehaffey gave a background report and on the proposal of Alderman Beggs, seconded by Dr Johnston, the Council determined that the watercourse should be treated as a designated watercourse.

7.4 U3403 Diversion, Carnreagh Stream Diversion, Hillsborough

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

7.5 U4G701, Darby's Bridge Drain, Richhill

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

7.6 UG106, Fairview Gardens Grille, Dromore, Co Tyrone

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

7.7 U5807, Farranascullogue Drain, Lisnaskea

Mr Mehaffey gave a background report and drew attention to the related minor works detailed on page 49 of the Business Books. On the proposal of Councillor McHugh, seconded by Councillor Hughes, the Council determined that the watercourse should be treated as a designated watercourse and noted the associated minor works.

7.8 U3BEL2A Branch, Glenwood River Branch, Belfast

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

7.9 U4705Ext, Hamiltonsbawn Drain Ext, Hamiltonsbawn

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

8. PROPOSED WORKS RECOMMENDED FOR ACCEPTANCE

8.1 175, Bann Sluice Works, Coleraine, Toome and Portna

The Chairman reminded members of the presentation made earlier by Mr Clarke (Item 5.3). It was confirmed that there would be procedures, including security, for the operation of the motorised sluices. It was also confirmed that there would be generator and manual back-up to the system.

On the proposal of Councillor King, seconded by Dr Johnston, the Council agreed to the proposed works.

9. SCHEME AMENDMENT – MW1912, Ballymoghán Drain, Magherafelt

Mr Mehaffey advised that the original Ballymoghán Drain scheme had been accepted by Drainage Council on 16th June 2004 and gave a background report on the proposed amendments. On the proposal of Councillor Hughes, seconded by Dr McGarel, the Council agreed to the proposed scheme amendments.

10. MINOR WORKS

10.1 UU1812, Ardean Drain, Moortown and U5807, Farranascullogue Drain, Lisnaskea

The Chairman advised members that these minor works had been covered under Designation of Watercourses (see paragraphs 7.1 and 7.7 respectively).

10.2 U3G317, Ballytromery Stream, Crumlin

The Chairman also referred members to these minor works, provided for information only.

11. CORRESPONDENCE RECEIVED SINCE LAST MEETING

The Chairman referred members to the copies of correspondence provided in their folders and Miss Taylor provided a summary of the position and, where appropriate, an update on each.

11.1 Response dated 19 October 2005 to Councillor McCambridge's enquiry of 28th September 2005 on behalf of Mr George Sharpe from Glenariff regarding maintenance of the Glassaneely Burn, Glenariff.

Councillor McCambridge commented that she accepted that there appeared to be little that could be done in the circumstances of the case but had noted that it was still open to riparians to formally request that designation be considered.

11.2 Responses dated 21st November 2005, 13th December 2005 and 11th January 2006 to enquiries from Mr Richard Gordon dated 24th October 2005 and 15th December 2005 regarding the extraction of water from the Ballyloran Stream, Larne. A further letter received on 24 February 2006 is receiving attention and will be replied to by 20th March.

11.3 Response dated 29th December 2005 to enquiry from Mr Martin McAleavey dated 5th December 2005 regarding intermittent flooding at the rear of his property at Beechgrove Avenue, Belfast.

11.4 Response dated 31st January 2006 to request from John Dallat MLA dated 11th January 2006, to consider designation of a channel of the Agivey River, Aghadowey. Rivers Agency will consider all matters relevant to the criteria for designation and present its findings at the next meeting of the Drainage Council.

12. ANY OTHER BUSINESS

12.1 Mr Mehaffey explained to members that River Agency had carried out emergency works on the Ballykelly River on 27th October 2005. He explained that it was normal practice to provide a full report on emergency works at the subsequent Drainage Council meeting, but explained that as there may be additional works required and other issues to be resolved he would be in a better position to provide a full report at the next Drainage Council meeting.

12.2 Members Folders

Miss Taylor brought members attention to the following forms in their folders: -

- Enquiry form;
- Travel Expenses form.

She also reminded members about the completion of the Data Protection consent form and the Register of Interests form and asked that these be completed and returned as soon as possible.

The Chairman highlighted a Drainage Council information leaflet included in induction folders that included a photograph of the previous Council membership and explained that the photo that had been taken of members before lunch would be used for a similar purpose.

12.3 Next Meeting

Following discussion it was agreed that the next meeting would be held on Thursday 22nd June 2006. It was agreed that a central location would be found for the meeting and that the Secretariat would advise members of the details in due course.

It was agreed that the date for the following meeting in October 2006, linked to a possible site visit, would be discussed and agreed at the June meeting.

The Chairman confirmed there was no other business to be discussed, thanked members for having attended and Rivers Agency staff for the support provided.