

**MINUTES OF 148th MEETING OF THE DRAINAGE COUNCIL FOR NORTHERN
IRELAND HELD AT 10.30am ON THURSDAY, 29 OCTOBER 2009
AT THE STRULE ARTS CENTRE, OMAGH**

Present:

Mr G Crawford (Chairman)
Councillor J McBriar
Alderman R Beggs
Councillor O Hughes
Councillor W King
Councillor G McHugh
Mr R Cummings

In Attendance:

Mr J Glass (Secretary)
Mr P Mehaffey
Mr P Aldridge
Mr D Nixon
Mr M Gilliland

1. INTRODUCTION

The Chairman welcomed all those present to the 148th meeting of the Drainage Council.

The Chairman also welcomed Mr Martin Gilliland, who had recently joined DARD Rivers Agency and was attending to assist with administration and IT.

The Chairman then invited the Secretary to offer any apologies that had been received.

2. APOLOGIES

The Secretary advised that apologies had been received from Councillor A Graham, Councillor M Gillespie, Alderman H Nicholl, Dr H Johnston, Mr J Clarke and Mr T Clarke

3. MINUTES OF 147th MEETING

The Chairman asked if members agreed that the minutes of the last meeting were an accurate record.

On the proposal of Alderman Beggs, seconded by Councillor McBriar, the minutes were agreed and signed by the Chairman.

4. MATTERS ARISING

The Chairman asked Alderman Beggs if he was content that he had received an update from Mr Aldridge regarding the flooding compensation payments made following the August 2008 flooding. Alderman Beggs confirmed that he had assumed that the amount stated at the previous meeting was accurate and was content. – Action Point on Page 6 of the previous minutes refers.

The Chairman then asked Mr Aldridge if he had been able to prepare a timetable for the completion of feasibility studies and investigations being undertaken by DARD Rivers Agency. Mr Aldridge advised the Council that he had considered a timetable and would cover this point in more detail under his Capital Works Update. The Chairman noted that the Council were content with this – Action Point on Page 6 of the previous minutes refers.

The Chairman moved on to note that Alderman Nicholl was not present but Mr Aldridge confirmed that he had discussed the Ballee Burn with Alderman Nicholl after the last meeting – Action Point on Page 6 of previous minutes refers.

The Chairman then asked Mr Mehaffey to verify that he had arranged for new Flooding Information Leaflets to be distributed to all District Councils. Mr Mehaffey was pleased to confirm that this had been completed – Action Point on Page 7 of previous minutes refers.

The Chairman enquired with Mr Mehaffey if Alderman Nicholl had been advised of the commencement date for the Carrowadoon Road Stream Extension Scheme. Mr Mehaffey advised the Chairman that this had been done at the conclusion of the 147th Meeting.

Finally, the Chairman asked if Mr Mehaffey had checked if the Lodge Burn Scheme was being carried out on the Lodge Burn, or the Lodge Burn Extension. Mr Mehaffey confirmed for the Council that the works were being carried out on the Lodge Burn Extension.

The Chairman then asked Mr Aldridge to address the Council.

5. UPDATE ON MAJOR WORKS PROGRAMME

Mr Aldridge presented the details of the Major Works Programme being undertaken by the Rivers Agency, using PowerPoint to indicate the geographical location and details of completed, current and proposed works and schemes including photographs for illustration.

5.1 Culvert Renovation Works completed since the last meeting

Belfast – Strathmore Park Stream;
Coalisland – Mousetown Drain.

A short summary of each of the works listed was provided by Mr Aldridge, including the reasons for the works, outline of the works with photographs and maps for illustration, and the costs and benefits.

5.2 Culvert Renovation Works currently ongoing

Dundonald – Ferndane Stream;
Belfast – Mount Vernon Stream (To commence January 2010).

Again Mr Aldridge provided a short summary of the works listed detailing the reasons for the works, an outline of the detailed works involved, and the costs and benefits.

Mr Aldridge then concluded this section by providing the Council with an overall tabular summary of the culvert renovation works being undertaken by the Rivers Agency.

5.3 Current Schemes (under construction)

Portrush -Tar Burn;
Carrickfergus – Sullatober Water Phase 1;
Belfast – Blackstaff River at Whiterock and the Glen Road.

A recap of these current schemes including illustrative photographs was provided. Mr Aldridge then moved on to consider:

5.4 Proposed Schemes

Coleraine – Lodge Burn;

5.5 Schemes Undergoing Design

Coleraine – Lodge Burn;
Belfast – Loop River Phase I, Connswater River, and Knock River;
Limavady – River Roe;
Carrickfergus – Sullatober Water Phase II.

5.6 Feasibility Studies recently completed

Belfast - East Belfast Drainage Study;
Broughshane;
Carrickfergus – Carrickfergus feasibility study;
Clady - Flood Defences;
Kildrum – Kellswater;
Magherafelt – Moneymore Road and Highfield Road;
Newcastle – Burren/Shimna Rivers post Scheme Benefit Evaluation;
Sixmilewater – Hydraulic Model of the River catchment, Meadowside, and Muckamore post Scheme Benefit Evaluation;
Omagh - Johnston Park Stream, Dromore Rd Stream, and Hunter Crescent Floodwall.

5.7 Schemes Undergoing Feasibility Study

Ahoghill – Village Stream;
Annaclone – Cappagh Mill Burn;
Annesborough;
Ballygawley - St Ciaran’s School;
Belfast – Finaghy, Ashton Park;
Beragh – Cloughfin River;
Doagh – Doagh River;
Glengormley – Collinward Stream;
Lurgan – Halfpenny River and Tirsogue Drain;
Maghera Co. Down;
Parkgate – Fourmile Burn;
Sixmilewater River;
Paint Condition Survey at Cutts and Portna Sluices;
Ballinderry – Brackagh Burn & Ballinderry Millrace;

Banbridge – Showground Stream;
Coalisland – Millrace;
Dromara – Lagan;
Laurelvale – Laurelvale Stream;
Magheralin – Ballymacaine Stream;
Mallusk – Blackwater/Ballymartin;
Markethill – Bryandrum Stream;
Newtownabbey – Collinbridge;
Portadown – Blackerburn;
Whiteabbey – Concrete Row, Threemile Water, and Greenisland Stream.

The Chairman thanked Mr Aldridge for his presentation, and invited comments or questions from members.

Alderman Beggs asked if Mr Aldridge could clarify what a “flapvalve” was, as it had been referred to several times during the capital works presentation. Mr Aldridge explained that a flapvalve was a device placed on the end of outlet pipes designed to ensure that the water in the system could only flow in one direction, thereby eliminating the possibility of any backflow.

The Chairman asked if an update was to be provided on the work being carried out on the Sullatober River in Carrickfergus. Mr Aldridge stated that an update on the work on the Sullatober River could be included in the report at the next meeting. Alderman Beggs asked if the work in Carrickfergus would cause any disruption to rail services. Mr Aldridge confirmed that the work would be carried out without any disruption to local services.

Councillor McHugh then referred to the incident at Mallahide, where a railway bridge had collapsed causing major disruption to rail services between Belfast and Dublin. He asked if Rivers Agency checked railway bridges across rivers in Northern Ireland to ensure that a similar incident did not occur here. Mr Aldridge explained that individual public authorities were responsible for the inspection and maintenance of their assets, and therefore Translink would be responsible for inspecting and maintaining railway bridges. Mr Cummings picked up on this point and asked how much of Rivers Agency’s assets had been inspected. Mr Aldridge advised the Council that the Rivers Agency carries out an ongoing programme of asset inspection and has developed asset management plans accordingly.

The Chairman requested a more exact location for the works proposed for the river Roe in the Limavady area. Mr Aldridge stated that the works were planned for a section of the river between Crindle and Limavady, and involved the repair and replacement of floodbanks along the river at this location to improve the flood protection afforded to residential properties.

Councillor King asked about the possibility of compensation payments for businesses adversely affected by the works proposed for the Lodge Burn in Coleraine. Mr Aldridge advised that the works would be carried out with the minimum disruption possible, but that it would be unlikely that funding would be available for any such payments. Councillor King then asked if budgets for the Rivers Agency were adjusted as a result of emergency situations such as those of the flooding of August 2008. Mr Aldridge explained that the Agency could, and had, bid for additional resources to cope with the work and pressures resulting from extreme flooding events like August 2008, but that there was no guarantee that any bid would be successful.

Mr Aldridge then expanded on this and explained that, in the current financial climate, pressures meant that the Rivers Agency had to focus on planning for the immediate to short term future with the funding available for programmed works, and hope that the situation would improve in the future.

Alderman Beggs agreed with Mr Aldridge that the Rivers Agency could only work to the budget provided and therefore could only focus on the immediate to short term with the resources available, however he raised concerns about the numbers of appraisals and studies ongoing and the associated cost. Mr Aldridge stated that he understood Alderman Beggs' concerns and stressed that the results of the studies would add weight to the Rivers Agency's bid for funds, and that he was hopeful that the funds would be made available.

Alderman Beggs asked if the Rivers Agency got late money released. The Secretary advised the Council that on occasion during Departmental monitoring rounds additional funding can be freed up and availed of if plans are in place to utilise it within a certain timeframe. The Secretary further advised that the difficulty that the Rivers Agency faced was that, given the length of time involved with many of the Agency's works, it proved difficult to meet the timeframes. Mr Mehaffey stated that, whilst this was the case, the Agency was doing everything possible to use all monies available in the best way possible.

Councillor McHugh asked if savings could be made in the overall budget through the competitive tendering process and reducing consultancy use.

The Chairman voiced his opinion that the Rivers Agency was reasonably thrifty and did not rely heavily on the use of consultants. Mr Aldridge informed the Council that the Rivers Agency had a consultancy framework in place in line with guidance from the Central Procurement Directorate of the Department of Finance and Personnel. He assured the Council that the Rivers Agency did everything possible to ensure the best value for money and was seeing tender bids drop at the current time.

Mr Cummings stated his belief that appraisals were necessary to show progress and ensure that work was completed to the highest possible standard. Mr Mehaffey agreed with Mr Cummings and advised that the Rivers Agency carried out pre-feasibility studies and self assessments before progressing to full feasibility studies in order to minimise any waste.

The Chairman confirmed that members had no further queries or comments before inviting Mr Mehaffey to address the Council.

6. FLOODING REPORT

Mr Mehaffey presented the flooding report to the Council. He detailed two flooding events that had been experienced since the June meeting of the Drainage Council, one minor event on 12/13 July 2009 and one significant event on 23 August 2009. Mr Mehaffey then provided details of each of these events to the Council.

He explained that the minor flooding event of 12/13 July 2009 affected mostly south and east Belfast with 55 calls being received by the Flooding Incident Line and 3 calls directly to Rivers Agency. Mr Mehaffey was able to confirm for the Council that post flood investigations verified

that all the calls related to road and surface water relating flooding. No watercourse related flooding had occurred.

Mr Mehaffey then considered the significant event of 23 August 2009 that affected areas across County Tyrone and the west of the country, along with some parts of North Antrim. He explained that the worst of the flooding was experienced in Newtownstewart in County Tyrone, where the Back Burn overtopped its banks and 20 properties were flooded. Mr Mehaffey stated that 74 calls were received by the Flooding Incident Line, with 44 calls made directly to the Rivers Agency and that 80 Rivers Agency staff had been deployed with 1000 sandbags used during the course of 23 August 2009.

The Chairman thanked Mr Mehaffey for his presentation of the flooding report and complimented the Rivers Agency on their performance. He then asked if members had any questions or comments.

Councillor McHugh commented that he believed that weather warnings would be very useful in preparing for extreme weather events, but that to date the warnings were insufficient. He continued that he believed that rainfall was becoming more extreme across the country, resulting in heavier flows in watercourses and more prevalent flash flooding. Mr Mehaffey confirmed for the Council that the Rivers Agency works very closely with the Met Office but that, given its nature; it was extremely difficult to predict the time and location of flash floods. He explained that such events happen very quickly with little or no warning beforehand.

Following confirmation that members had no further questions or comments, The Chairman directed members to the designation of watercourses section of the business book, pages 19 to 22, and invited Mr Mehaffey to address the Council.

7. PROPOSED DESIGNATION OF WATERCOURSES

Gleanean River/Dall River, Cushendall

Mr Mehaffey gave a background report explaining that this proposal was being made to allow the Rivers Agency to provide maintenance to an open watercourse in order to reduce the risk of flooding to six dwellings, a primary school, and a farm house with associated out buildings.

On the proposal of Alderman Beggs, seconded by Councillor Hughes, the Council determined that the aforementioned section of watercourse should be designated.

U4409 Ext – Killuney Drain Extension, Hamiltonsbawn Road, Armagh.

Mr Mehaffey explained that this proposal was to facilitate ongoing maintenance works on a culverted watercourse. Mr Mehaffey also explained that the culverting of the watercourse in question would be considered later in the meeting under emergency works.

On the proposal of Mr Cummings, seconded by Councillor Beggs, the Council determined that the culverted watercourse should be designated.

The Chairman then referred members to the schemes recommended for acceptance on pages 23-34 of their business books, and invited Mr Mehaffey to address members again.

8. SCHEMES RECOMMENDED FOR ACCEPTANCE

021 – Annagh River, Portadown, Co. Armagh.

Mr Mehaffey provided a background report and details of the proposed scheme for the Council. He explained that the scheme involved the replacement of a number of defective culverts, along with associated works, for the purpose of flood risk avoidance.

On the proposal of Mr Cummings, seconded by Councillor King, the Council agreed to the proposed scheme.

U4703A – Laurelvale Branch Drain, Laurelvale, Co. Armagh

Mr Mehaffey explained the details of the scheme and the reason for it to the Council. He advised that the scheme related to the replacement of a 75 metre section of defective culvert for the purposes of reducing flood risk and avoiding potential professional negligence by the Rivers Agency.

On the proposal of Mr Cummings, seconded by Councillor McBriar, the Council agreed to the proposed scheme.

U4511 – Dungormley Drain, Newtownhamilton, Co. Down.

Mr Mehaffey advised the Council that the intended scheme was necessary for the replacement of a 65 metre culverted length of the Dungormley Drain. He explained that this scheme was necessary to reduce the risk of flooding and avoid potential professional negligence by the Rivers Agency.

On the proposal of Mr Cummings, seconded by Councillor King, the Council agreed to the proposed scheme.

9. EMERGENCY WORKS

The Chairman directed members to pages 35-42 of the business book and again invited Mr Mehaffey to address the Council.

MW2527 Burnside Drain, Castle Lodge, Randalstown, Co. Antrim.

Mr Mehaffey informed the Council that following site inspections and reports from residents Rivers Agency staff identified the bank upstream of the culvert inlet to the Burnside Drain as unstable, with blockages from bank slippage a contributing factor to flooding in the area. He continued that in these circumstances the Agency staff on the ground felt it prudent to extend the existing culvert upstream to remove the risk posed by the unstable bank.

Undesignated watercourse connecting to the Killuney Drain, Armagh, Co. Armagh.

Mr Mehaffey explained to the Council that whilst carrying out CCTV inspections on the culverted Killuney Drain, Rivers Agency staff discovered that the undesignated culverted watercourse connecting to it was in danger of imminent collapse. Mr Mehaffey advised that such a collapse would have greatly increased the risk of flooding to nearby properties, a nursing home,

and an adjacent public roadway. Therefore Rivers Agency staff took the decision to replace the 110 metre length of defective culvert.

U4403 St. Patrick's Street Stream, Keady, Co. Armagh.

Mr Mehaffey provided a background for the Council detailing that upon commencement of minor repair works to defects along the culverted lengths of the St. Patrick's Stream in Keady it was discovered that more significant defects existed along greater lengths of the culvert than originally thought. Mr Mehaffey explained that Rivers Agency staff therefore took the decision to replace the structurally inadequate culverts.

U1704 Ext Blackburn Extension, Newtownstewart, Co. Tyrone.

Mr Mehaffey advised the Council that as a result of the flooding event experienced in Newtownstewart, as already considered as part of the flooding report, Rivers Agency staff had to carry out emergency works after the flooding. He stated that these works were required to remove a significant amount of silt, sand and other material from the Blackburn Extension and to stabilise the severely eroded river banks.

The Chairman thanked Mr Mehaffey for his presentation and invited queries or comments from members.

Councillor King commented that the Council accepted that at times emergency works to watercourses were necessary. He agreed with Councillor King and stated that the Rivers Agency had the full support of the Council to carry out emergency works when necessary.

10. WATERCOURSE NOT RECOMMENDED FOR DESIGNATION

The Chairman referred members to pages 43-44 of the business books and once more invited Mr Mehaffey to address the Council.

Watercourse connecting to the designated Corrakelly Drain, Kinawley, Co. Fermanagh.

Mr Mehaffey advised the Council that a request had been received by the Rivers Agency from Mr Tommy Gallagher MLA and Mr Tom Elliott MLA on behalf of a local landowner to designate a 1.871 Kilometre section of watercourse as described above. Mr Mehaffey stated that an assessment had been carried out by Rivers Agency staff that determined that the maintenance works required could not be considered exceptional in nature and would be within the capability of the riparian landowners affected by the watercourse in question. Therefore Mr Mehaffey reported that the Rivers Agency could not recommend that this watercourse be considered suitable for designation.

On the proposal of Councillor King, seconded by Alderman Beggs, the Council determined that the watercourse connecting to the Corrakelly Drain should not be designated.

Mr Cummings asked if Rivers Agency had experienced many difficulties with landowners in the area neglecting their maintenance requirements. Mr Mehaffey answered that yes, at times it was problematic ensuring that riparian landowners met their maintenance responsibilities but that the

Rivers Agency could use enforcement powers within the Drainage (Northern Ireland) Order 1973 if necessary.

Alderman Beggs commented that it could also be problematic when adjoining landowners could not agree on maintenance works to be carried out and boundaries of responsibility. He asked if it was possible for Rivers Agency staff to carry out necessary works and then charge the landowners. Mr Mehaffey stated that this was a possibility, but that the Agency preferred to use a process of negotiation and agreement to ensure that riparian landowners carried out necessary works themselves.

The Chairman confirmed that members had no further comments or queries and thanked Mr Mehaffey for his presentation to the Council. He then invited Mr Aldridge to address the members.

11. ASSOCIATION OF BRITISH INSURERS STATEMENT OF PRINCIPLES

Utilising a Microsoft PowerPoint presentation, Mr Aldridge provided details to the Council of a Statement of Principles (SOP), which the Rivers Agency had drawn up and agreed on behalf of the Executive, between the Executive and the Association of British Insurers (ABI). Mr Aldridge explained that such an SOP was already in place in England, Scotland, and Wales, and was being put in place for Northern Ireland to ensure parity with the rest of the UK.

Mr Aldridge went on to expand on the content and purpose of the SOP, informing the Council that the content would commit Government to putting in place a number of measures to reduce flood risk as much as possible, whilst at the same time committing members of the ABI to continue to make flood insurance available for existing domestic properties and small business where certain conditions are met.

In conclusion Mr Aldridge stressed that ensuring the completion of a SOP brought Northern Ireland in line with the rest of the UK and would help to ensure that flood risk insurance cover would remain available for those most vulnerable.

The Chairman thanked Mr Aldridge for his presentation, and invited comments or questions from the Council.

Alderman Beggs stated that it was good to see an SOP being put in place as an example of “joined up” government action being taken to resolve a problem. Alderman Beggs went on to ask about the premiums being offered by the insurance companies, and if the SOP and the significant investment from government on flood defence measures were being reflected. Mr Aldridge agreed with Alderman Beggs that this was an important point and that, whilst government could not have any direct influence over the premiums offered by private insurance businesses, they would expect to see the proper commitment from the insurance industry.

The Chairman agreed that it was a positive and important step to see action being taken on this matter to ensure that insurance cover remained available to those most in need.

12. TRANSPOSITION OF THE EU FLOODS DIRECTIVE

Mr Aldridge presented an update for the Council on the transposition of the EU Floods Directive into legislation applicable to Northern Ireland. He explained that this was necessary to establish a framework for the assessment and management of flood risk. Mr Aldridge went on to advise that this work was being done to avoid inconsistent or contradictory approaches and ensure coordinated planning and action between EU member states.

Mr Aldridge gave a brief description of the content of the legislation for the Council and detailed a number of the requirements of the EU Floods Directive that would be covered by the new Subordinate Legislation. He explained that these requirements would include the preparation of preliminary flood risk assessments of all river basins and coastal zones by December 2011, the identification of areas considered to be at significant risk, and then the preparation of detailed flood hazard and flood risk maps for these areas by December 2013 along with flood risk management plans by December 2015. Mr Aldridge also advised that this work would have to be carried out in conjunction with the appropriate bodies in the Republic of Ireland for international catchments.

The Chairman thanked Mr Aldridge for his presentation, and asked if members had any questions or comments.

Mr Cummings asked Mr Aldridge who would be responsible for carrying out the public communication of this work. The Secretary advised Mr Cummings that the Rivers Agency has a communications strategy in place, and that this area of work would be covered within the strategy. Mr Aldridge further advised that the Agency had a Steering Group in place for the EU Floods Directive that covered across various public bodies along with stakeholder groups including representation from a number of interested parties. Mr Aldridge stated that the Rivers Agency would use District Councils as much as possible to communicate with local areas across the country.

Mr Cummings asked if consultation papers for the transposition of the EU Floods Directive had been issued to District Councils. Mr Aldridge confirmed that the routine consultation process with the standard consultees, including all District Councils, had been used by the Rivers Agency.

Mr Cummings requested a copy of the consultation papers be sent to him. Mr Aldridge advised that the consultation papers were available on the Rivers Agency website, but that he would be happy to issue a copy to him.

ACTION – Mr Aldridge to issue transposition of EU Floods Directive consultation papers to Mr Cummings.

13. CORRESPONDENCE ISSUED BY SECRETARIAT SINCE LAST MEETING

The Secretary drew members' attention to pages 45 – 52 of the business book. He advised the Council that correspondence had been received from a Mr Samuel Lawson of 8 Annaghanoon Road in Waringstown, Craigavon requesting that the Council consider designation of a watercourse affecting his property.

The Secretary explained that due to a number of factors, primarily that the riparian landowners had been contacted and had agreed to carry out the necessary maintenance works, a submission regarding this watercourse had not been put forward to today's meeting. The Secretary advised that Rivers Agency would continue to monitor the situation and would prepare a submission for the February 2010 meeting.

Mr Cummings enquired if any development in the area had caused the flooding in the area referred to by Mr Lawson in his correspondence. Mr Mehaffey stated that this was possible but there was no way of being certain about this.

The Chairman thanked The Secretary for presenting the correspondence, and asked if members had any other business that they wished to raise. The Chairman confirmed that no further business was to be raised.

ACTION – Submission relating to watercourse affecting 8 Annaghanoon Road, Waringstown to be prepared for consideration at February 2010 Drainage Council meeting.

14. AOB

14.1 Members forms

The Secretary drew members' attention to the travel expenses claim form and enquiry form provided.

13.3 Date & general location for next meeting

The Secretary proposed a number of dates around late February or early March 2010 for the next meeting. After some deliberation it was agreed that the Secretariat would make arrangements for Thursday 25 February 2010 and notify members of the arrangements in due course. The members agreed that the North East coast was preferred as a venue for the next meeting, with Coleraine raised as a possibility.

The Chairman then thanked members for attending and declared the meeting closed.

Meeting Closed