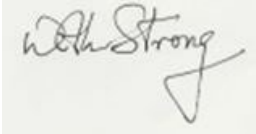


Date	Signed by Chairman
24 <sup>th</sup> March 2020	

**Minutes of 171<sup>st</sup> meeting of The Drainage Council for Northern Ireland held at  
10:00am**

**Thursday, 21 November 2019**

**At Park Avenue Hotel, Belfast**

**Members Present:**

Mr. Alan Strong (Chair)  
 Mr. Brian Hanvey (Vice Chair)  
 Mr Jonathan McKee (Director Dfl Rivers)  
 Mr. Andrew Wilson  
 Mr. Brendan Kerr  
 Cllr Beth Adger  
 Mr. Angus Kerr  
 (Chief Planner and Director of Regional  
 Planning Directorate Dfl)  
 Cllr Cadogan Enright

**Dfl Officials In Attendance:**

Mr. Shaun Donnelly (Secretary)  
 Mr. Owen McGivern  
 (Head of Operations, Dfl Rivers)  
 Mr. Alan Reddick  
 (Capital Projects Unit, Major Works, Dfl  
 Rivers)  
 Mr. Niall McKenna  
 (Administration, Dfl Rivers)  
 Mr. Rab Lennox (Minutes, Dfl Rivers)

**Apologies**

Mr. Samuel Cole  
 Dr. Bernie Lafferty  
 Cllr Bernice Swift  
 Cllr Billy Webb

**Absent**

Mr Grahame Craig  
 Mr Jim Fletcher

**1. Introduction**

**Chair Alan Strong** welcomed the members to the 171<sup>st</sup> meeting and advised that **Mr Angus Kerr** and **Cllr Cadogan Enright** will need to leave the meeting early as a result of other engagements.

**Chair** welcomed **Cllr Brian Hanvey** to his last meeting of the Drainage Council

Northern Ireland, and thanked him for his contribution over the years as a member and as Vice Chair. His help throughout the years was very much appreciated by all.

**Chair** extended a welcome to **Mr Jonathan McKee** as Director of Rivers, and wished him well in his new appointment. **Chair** suggested a letter should be issued from the Drainage Council NI to Deidre Mackle, to convey a word of thanks for her contribution.

#### **Action Point 1**

**Secretary** to issue letter on behalf of the Drainage Council NI to Deidre Mackle, thanking her for her contribution to the Council during her time as Director of Rivers.

## **2. Apologies**

Apologies were received from:

Cllr Billy Webb  
Mr. Samuel Cole  
Dr. Bernie Lafferty  
Cllr Bernice Swift

## **3. MINUTES OF 170<sup>th</sup> MEETING**

**Chair** thanked **Secretary** for production of comprehensive minutes and asked members if they were content that the minutes provided an accurate record.

**Andrew Wilson** proposed that the minutes provided an accurate record of the 170<sup>th</sup> meeting and this proposal was seconded by **Brendan Kerr**.

## **4. Matters Arising from Minutes**

#### **Action Point 1**

**Brendan Kerr** to provide written summary of his concerns to DfI Rivers, on the apparent shift in focus of DfI Rivers from environmental to more hard engineering solutions.

**Secretary** advised that a note of Brendan's concerns had been received on the 20<sup>th</sup> of November 2019, and these were circulated to all members at today's meeting.

**Chair** asked **Brendan Kerr** to summarise his thoughts and present these to the Council.

**Brendan Kerr** noted that, from a Fisheries perspective, with the onset of Brexit and a lack of an executive, communication would be key when considering solutions to Flood Risk Management issues. Communication with statutory bodies, in the absence of local political input may need more work to ensure a wider impact is considered when looking at engineering solutions.

**Cadogan Enright** agreed, commenting that natural solutions are cheaper, and the notion of hard solutions seems to take precedence. He gave the example of flood defences in Newcastle, Co. Down as being a hard solution, having a negative impact on the surrounding environment. He suggested that more thought should be given to natural flood storage, with less hard solutions being brought forward. He takes the view that engineering is not always the solution.

**Chair** thanked **Cadogan Enright** for his input, and advised that the Strong report on Winter Flooding considered a wide range of potential approaches to flood risk management, including sustainable land use, farming, natural defences, communications and community resilience. These are all important areas to be considered

**Jonathan McKee** responded to comments made by **Brendan Kerr**, advising that the Drainage Council for Northern Ireland's function is dictated by the Drainage Order and this influences how all works should be taken forward. He commented that the Drainage Council NI should take a balanced approach when considering all options, ensuring they remain within their remit. He assured members that DfI Rivers do not intend to walk away from previous arrangements under the National Framework following Brexit. The exiting arrangements in place will continue.

**Jonathan McKee** added that, in the absence of Ministers, governance is more precautionary rather than reactionary. DfI Rivers continues to meet with the Office of Public Works, Northern Ireland Environment Agency and others to ensure close working relationships are maintained. He pointed out that occasionally hard engineering solutions are carried out on a "need to do" basis and not on a "want to do" basis. All impacts are considered, and the need to maintain balance between requirement and solution is very important. He advised that information received from **Cadogan Enright** in relation to Coastal Erosion has been useful, and a possible case study could be brought forward in line with various flooding studies.

**Chair** explained that the Shimna Flood Alleviation Scheme was fully considered and agreed at a previous Drainage Council meeting and it was not his intention to revisit it.

**Brendan Kerr** clarified that his concerns were not aimed to challenge the decision made by Drainage Council on the Shimna scheme; rather he was referring to it by way of example.

**Chair** responded advising that all possible options were explored and detailed discussions were held before a conclusion was reached. With agreement from all in attendance, this had been signed off. **Chair** thanked **Cadogan Enright** and **Brendan Kerr** for their input.

**Owen McGivern** commented that the Connswater Community Greenway project was a good example of the use of natural flood solutions. However other areas may not allow for this because of their geographical location. All aspects are considered before any design would result in a hard engineering solution. Consultations are carried out with all statutory bodies for each project.

**Brendan Kerr** noted that clear and scientific communication is required to ensure this is maintained.

**Chair** commented that in most projects a lot of data is involved and there is a need to ensure the right amount of data is passed to the right people.

**Cadogan Enright** stated that Northern Ireland is 15 years behind England, Scotland and Wales when it comes to a Coastal Erosion Policy. He made reference to the management of Dams issue and how this has been taken forward. He added that there are processes already in place to manage these issues, so the same processes should be used to address Coastal Erosion.

**Chair** agreed that this was accurate; however it was not the Drainage Council's role to make these type of policy decisions.

**Jonathan McKee** advised that flood risk management studies to identify areas of significant flood risk were undertaken in 2011 and 2018 and a similar approach on Coastal Erosion could be considered

**Angus Kerr** agreed that this is an issue to consider and the forum may come forward with a proposal.

#### **Action Point 2**

**Cadogan Enright** to provide input to **Jonathan McKee** in relation to Coastal Erosion issue.

#### **Action Point 2**

**Dfl Rivers** to feedback details of reasons for access problems at Silver Stream site to **Cllr Webb**.

**Secretary** confirmed that this information had been provided to **Cllr Webb**.

#### **Action Point 3**

**Secretary** to write to all local councils to clarify the current position and inform them of the procedure to nominate applicants for membership of the Drainage Council.

**Secretary** advised that this will be discussed at the next Agenda item.

**Chair** then confirmed with members that there were no further matters arising

## **5. Drainage Council Reconstitution**

**Secretary** provided a brief update on the reconstitution of the Drainage Council, thanking everyone for their assistance with the completion of various required returns.

**Secretary** advised that Councillor Appointments will be extended to the end of May 2020, and the Specialist Appointments will be extended to the 30<sup>th</sup> June 2020.

**Secretary** also advised that the Department's Public Appointments Unit is coordinating appointments to Drainage Council and that all Northern Ireland Councils have been advised of the current position. It is anticipated that in the New Year, all councils will be contacted and requested to nominate two councillors for the 10 available positions.

**Secretary** confirmed that members cannot serve more than two terms in their respective role. They cannot nominate for a third term.

**Secretary** commented that different arrangements will be in place for the specialist posts, as these six posts will be publicly advertised in early 2020. More details on these will be provided when known.

**Andrew Wilson** queried why there were only ten Councillor posts available on the Drainage Council?

**Chair** provided an explanation why ten posts were available, and advised that this may be extended to eleven, if the executive were to reconvene and the required change to legislation taken forward.

**Brian Hanvey** queried why only two terms in post were permitted? He noted that it would be a shame to lose all the experience gained. Going forward this has an impact on new members who will have to learn the functions of Drainage Council.

**Secretary** advised that this was a CPANI requirement, and noted that some councillors on the present Drainage Council NI have served only one term.

**Chair** agreed that this was an opportunity to look at how the Drainage Council NI carries out its business. He suggested that dates for future meetings could be scheduled up to two years in advance. The work load of DfI Rivers would dictate if these meetings go ahead.

**Jonathan McKee** agreed that this would be a better way of working, and if required meetings can be cancelled or scheduled to reflect workloads.

**Action Point 3**

**DfI Rivers** to propose future dates for the Drainage Council NI, and advise members accordingly.

**6. Update from Director of Rivers**

**Jonathan McKee** provided a brief personal background, detailing his experience in DfI Rivers. In his time working with the Department he has noticed a shift in focus, from being reactionary to emergency events, to being more proactive in the area of flood prevention. He advised that DfI Rivers had learned a great deal following flood

events such as the 2012 incident in Belfast, the 2016 Winter Flooding, and the 2017 North West flooding. The reviews and reports carried out after these events provide invaluable learning.

**Jonathan McKee** noted that DfI Rivers business is governed by the “3 P’s”.

**Prevention** – Rivers maintains close working relationships with Planning Authorities and Councils to minimise development in flood plains.

**Preparedness** – Rivers are the Lead Government Department in relation to flooding events. We have led on the establishment of community resilience groups and have built close links to blue light services.

**Protection** – Rivers ensures that all solutions are considered, with Hard and Soft proposed solutions being suitably challenged.

**Jonathan McKee** then provided an update on the current issues faced by Rivers. He noted that the areas of watercourse maintenance and flood protection are suffering due to lack of resources and loss of staff expertise. He commented that it will be his focus to have Rivers stabilised following a period of transition and to be recognised as experts in their field, addressing any lack of resource where possible.

**Jonathan McKee** provided an update on the present Reservoirs issue, and the impact of the absence of an Executive in this area. He noted that engagement with reservoir owners can be quite complex and is consuming a lot of resource within the Department.

He referred to the impact of climate change, and the clear need to consider all possible solutions when managing Flood Alleviation/Prevention.

**Chair** queried if there was anything the Drainage Council could do to help or if there were any possible solution to the resource issue.

**Jonathan McKee** advised that this was not a unique problem for DfI Rivers, and that most departments have a lack of resources. Rivers in comparison is a small organisation. Having Rivers’ position maintained as the experts in their field will be key to any future developments and this is recognised within the Roads and Rivers element of DfI.

**Beth Adger** queried if DfI Rivers work closely with Planning Authorities, as at a previous local council meeting a Rivers employee had stated that he hadn’t heard of the Drainage Council?

**Jonathan McKee** advised that he was surprised by this, and it may have been a lapse in concentration; noting that the member of staff will be advised.

**Cadogan Enright** queried how will DfI Rivers build expertise and experience in the light of cut backs.

**Jonathan McKee** reiterated the concerns around staffing resources within DfI Rivers. However levels of expertise within the Department are being addressed by increased investment in staff training.

**Angus Kerr** noted that he is optimistic in this regard, with a view that Planning processes will be sped up with better communication with all statutory consultees not just Rivers. He would support an increase in resources to aid this.

**Brian Hanvey** asked if the Reservoirs Bill, has gone through the Assembly?

**Jonathan McKee** advised that the Reservoirs Act 2015 has gone through the Assembly process. However, a number of sections of the Act, including regulations relating to enforcement have yet to be commenced.

**Brian Hanvey** queried the position of these regulations, and if maintenance of reservoirs remains the responsibility of the reservoir owners?

**Chair** advised that the Reservoirs Act had indeed gone through the Assembly and received Royal assent. However the secondary legislation required for areas such as enforcement has yet to go through.

**Secretary** commented that the common law responsibility for reservoir managers to maintain their reservoir in a safe condition is still in place despite the absence of enforcement powers under the reservoirs legislation.

**Brian Hanvey** queried in relation to planning, how often would the Department reconsider lands with previous planning approval, with revisions from approved to no longer approved? How often are these applications reviewed? Is this the responsibility of the Developer? What work will be required if a site is no longer approved?

**Chair** also added is this from a catchment wide perspective, or specifically the site itself?

**Angus Kerr** responded that all new plans received are assessed as they are at that time. All revisions are carried out at the time of the submission of the plans. Revisions on permission would depend on when the plans come through for consultation. Consultations with partners such as Rivers are carried out and all aspects including the possible impact of such development are considered.

**Jonathan McKee** noted that Rivers recommend that any development proposed within the Q100 flood plain should not take place. Issues such as Climate Change are also considered. Maps are updated frequently and lots of different factors around development are considered by Planning Authorities. Rivers will keep planning as a focus going forward.

*At this point in the meeting **Cadogan Enright** left for another engagement.*

**Chair** thanked everyone for their discussion on this topic and welcomed the range of opinions expressed.

## **8. Update on Shimna Flood Alleviation Scheme and Belfast Tidal Flood Alleviation Scheme**

**Owen McGivern** provided an update on the Shimna Flood Alleviation Scheme. He advised that communications are ongoing with local landowners and hopes that these will be completed and all approvals in place in the near future. It is anticipated that the tendering process will be taken forward in the New Year.

**He** also provided an update on the Belfast Tidal Scheme. Some discussion followed regarding costs and current status on the tendering process and Owen advised that there may be a need to designate a stretch of the Lagan, in order to carry out works/maintenance. He commented that the Lagan is already designated by the Department for Communities for navigation purposes. A meeting of Drainage Council may need to be convened in the near future to consider this designation proposal.

## **9. Designation of Watercourse**

**Owen McGivern** provided details of the proposed designation of a section of Greenan Road Stream, adjacent to the Warrenpoint Road, Newry. This designation will allow for ongoing inspections, monitoring and maintenance of the open and culverted watercourse.

Following some discussion, approval for the proposed Designation was proposed by **Beth Adger**, and seconded by **Andrew Wilson**.

## **10. Schemes Recommended for Acceptance**

**Owen McGivern** provided details of a proposed scheme at Glenbrook River, and advised Drainage Council of the ongoing flooding problems in the area. He provided detail of the proposed works to address this and to prevent future flooding.

**Chair** queried if any objections had been received in relation to these proposed works.

**Owen McGivern** advised that objections received have all been addressed, with meetings held with local residents.

Following some discussion, approval for the scheme was proposed by **Brian Hanvey** and seconded by **Andrew Wilson**.

**Alan Reddick** then provided a presentation on the Newry Flood Alleviation Scheme, advising that the works will be carried out in three phases. The first phase of these works is being brought to this meeting for Drainage Council's consideration.



**Owen McGivern** advised that Phase One of the Newry Flood Alleviation Scheme, addresses tributary watercourses, and it is hoped to be at procurement stage by early 2020, with a full contract awarded by late 2020.

**Alan Reddick** directed members to the details held in the papers, including maps of the various locations throughout Newry and surrounding area.

Some discussion followed on the proposed works within “Phase One” of the Newry Flood Alleviation Scheme.

*At this point in the meeting **Angus Kerr** left for another Engagement.*

**Chair** asked if tides and increased sea levels were taken into account when considering the design of these works

**Alan Reddick** advised that all aspects were considered, including effects from both fluvial and sea levels.

**Andrew Wilson** raised concerns around land use for flood storage, and how this is being considered as part of “Phase Three” of the scheme. Will land owners be compensated? Will the land be purchased?

**Jonathan McKee** advised that this will have future implications for Water and Drainage Policy Division within DfI, around any proposed compensation and Rivers will need to have a clear direction and process in place before this could be administered.

**Chair** advised that this would set a significant precedent if this direction were to be the case.

**Action Point 4**

**DfI Rivers** to consult with Water and Drainage Policy Division in relation to “Phase Three” of the Newry Flood Alleviation Scheme, regarding the use of land for planned flood storage. Consideration to be given to how land owners could be compensated as a result.

**Chair** noted that it would be of benefit to future Drainage Council meetings if this scheme were to be presented again at the beginning of each Phase.

The proposed “Phase One” of the Newry Flood Alleviation Scheme was proposed by **Beth Adger** and seconded by **Andrew Wilson**.

***Beth Adger** left the meeting at this stage due to another engagement.*

## **11. Watercourses Not Recommended for Designation**

**Owen McGivern** provided details of the Eden Lonagher tributary in Finvoy, a watercourse that the Department is not prepared to recommend for designation. He explained that DfI Rivers considers that there is no justification to designate this watercourse as maintenance of the watercourse is considered to be within the capabilities of the riparian landowner.

**Chair** asked if DfI Rivers had spoken with the land owner.

**Owen McGivern** advised that the land owner will be informed following the Drainage Council's decision.

Following some discussion, the proposal not to designate the watercourse was put forward by **Alan Strong**, and seconded by **Brendan Kerr**.

**Owen McGivern** then provided details of the Ramoan Gardens Stream Ext, a watercourse that the Department is not prepared to recommend for designation. He explained that DfI Rivers considers that there is no justification to designate this watercourse as maintenance of the watercourse is considered to be within the capabilities of the riparian landowner.

Following some discussion, the proposal not to designate the watercourse was put forward by **Andrew Wilson**, and seconded by **Alan Strong**.

## **12. Minor Works for Information of Drainage Council**

**Owen McGivern** presented Minor Works for information, as recorded in papers provided to all members.

**Chair** noted that all members were content.

## **13. Correspondence issued since last meeting**

**Secretary** provided details of all correspondence received and issued since the last Drainage Council Meeting, as recorded in the papers provided to all members.

**Chair** noted that further to the response issued to **Bernie Lafferty** in relation to her concerns raised, a meeting had been proposed to further discuss any of her issues. However a response has not yet been received.

None of the members present raised any issues on the correspondence.

## **14. Any Other Business**

**Andrew Wilson** raised an issue regarding ongoing flooding problems at hen houses in Lisnaskea.

**Chair** asked if he needed official assistance from DfI Rivers.

**Owen McGivern** responded, advising that he was already in discussion with **Andrew Wilson** regarding this issue, and will investigate further to see what can be done, noting that this may not be a Rivers issue.

**Andrew Wilson** raised a query on lough levels, and where they are currently in Lough Erne, as flows through Enniskillen are seen as low at the moment. This could be the result of a possible blockage upstream?

**Owen McGivern** advised he wasn't aware of the detail of current levels, but this would be checked for a possible blockage.

## **15. Date of next meeting**

**Chair** noted that the next meeting of the Drainage Council could be early 2020, as business dictates, and all members will be informed.

**Chair** also requested full attendance at meetings by members, and that prior notice will be provided to aid this.

**Andrew Wilson** queried if future meetings could be held in a more central location, possibly Craigavon or Cookstown.

**Chair** thanked everyone for their attendance and contribution, particularly **Alan Reddick** and **Owen McGivern** for presenting the various works to be considered.

**Meeting Closed**