

**MINUTES OF 152nd MEETING OF THE DRAINAGE COUNCIL FOR NORTHERN  
IRELAND HELD AT 10.30am ON THURSDAY, 03 MARCH 2011  
AT MALONE HOUSE, BELFAST**

**Present:**

Mr G Crawford (Chairman)  
Alderman R Beggs  
Alderman H Nicholl  
Councillor S Clarke  
Councillor A Graham  
Councillor W King  
Councillor J McBriar  
Councillor A Rainey  
Mr J Clarke  
Mr T Clarke  
Mr R Cummings  
Mr T Hinds  
Dr H Johnston

**In Attendance:**

Mr J Glass (Secretary)  
Mr P Aldridge  
Mrs S Adamson  
Mr M Gilliland  
Mr P Loughlin  
Mr P Mehaffey

**1. INTRODUCTION**

The Chairman welcomed all those present to the 152nd meeting of the Drainage Council.

The Chairman went on to extend welcome to Mrs Shona Adamson, who is attending to assist with venue administration.

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 O Hughes.  
Councillor Sean Clarke also passed on apologies on behalf of Councillor M Gillespie.

**3. MINUTES OF 151st MEETING**

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

On the proposal of Alderman R Beggs, seconded by Alderman H Nicholl the minutes were agreed and signed by the Chairman.

#### **4. MATTERS ARISING**

The Chairperson brought to Mr P Aldridge's attention Action Point contained on Page 2 of the previous minutes relating to leading a discussion on the Capital Works Paper. Mr P Aldridge confirmed that this would be discussed at Item 5 of the Agenda.

Cllr W King enquired about the timescale for the Coleraine Lodge Burn scheme that is noted on Page 4 of the previous minutes. Mr P Aldridge advised that the scheme would take place over the remainder of the current financial year and into the 2011/2012 financial year. Cllr W King queried if all funding was in place. Mr P Aldridge advised Cllr W King that Rivers Agency is contractually committed to the funding and completion of the scheme,.

Mr J Glass drew attention to Action Point 2 on Page 6 of the previous minutes, and confirmed that the Rivers Agency Works Programme is now available on the Agency's website and that details are constantly being updated.

The Chairperson asked Mr P Mehaffey for an update on Action Point 3 on Page 7 of the previous minutes relating to providing a dissemination of Flood Information Reports to Drainage Council.

Mr P Mehaffey stated that since the last meeting, no Flood Information Reports had been produced due to there having been no significant flooding incidents that would call for a formal report to be completed.

Mr P Aldridge informed the Drainage Council on the current status of Action Point 4 on Page 7 of the previous minutes with regards to raising the availability of Strategic Flood Maps at the next Stakeholder Meeting in order to raise awareness amongst farmers. Mr P Aldridge stated that no stakeholder meeting had taken place since the 151<sup>st</sup> Drainage Council meeting, but he will ensure that the matter is covered at the next stakeholder meeting.

Alderman H Nicholl commented on Page 10 of the previous minutes concerning works being carried out on the Sixmilewater at Meadowside, Antrim, specifically if the works had been completed. Mr P Aldridge confirmed that works had been completed and the matter will be discussed further at Agenda Item 5: Update on Major Works Programme.

The Chairman asked Councillor S Clarke to verify if he had received a copy of a map as requested detailing the exact location of works at Moneymore, in relation to Action Point 5 on Page 12 of the previous minutes. Councillor S Clarke confirmed that he had received the map in question.

Alderman R Beggs enquired about the Drainage Council's decision not to designate the Cranny/Carnlough River, with discussion detailed at Page 13 of the previous minutes. Alderman R Beggs noted that at the previous meeting it was mentioned that fallen trees were present in the upper reaches of the river and asked who would be responsible for removing these fallen trees. Mr P Mehaffey made the Drainage Council aware that responsibility lies with the riparian landowners, but also reminded the Council that the fallen trees posed no risk of causing flooding and actually provided a valuable habitat for wildlife at this location.

## **5. UPDATE ON MAJOR WORKS PROGRAMME**

See the presentation included in Appendix A.

Mr P Aldridge provided background on the Greenway project, detailed the nature of the works involved, and noted that Rivers Agency was a partner of the overall scheme with Belfast City Council leading amongst various other bodies. He explained that £1.8million had been anticipated to be spent in this financial year on the scheme, but due a number of factors including the extremely cold weather, the contractor had been slow to start works and only some £500,000 is anticipated to be spent. The Members were then informed that the remainder of the allocated funding had been returned to DARD in the February monitoring round.

Mr P Aldridge gave a brief overview of the schemes and advised the Council that progression of the schemes was dependant on the budget available over the financial

years ahead. Mr P Aldridge outlined the expected funding for the period 2011-15 of £4.3million, £4million, £5 million and £3.7million adding that the allocation for 2010-11 was some £6.6million. Mr Aldridge stated that funding over the four years was significantly less than previous years and bids for additional funding will be taken as opportunities arise.

The Chairman thanked Mr Aldridge for his presentation, and invited comments and queries from the members.

Councillor J McBriar referred back to the issue of Belfast Greenway scheme and the return of the unspent money to DARD. He asked if the contractor justified the reason for the delays in starting work. Mr P Aldridge advised Councillor J McBriar that the contractor had received the letter of award in October 2010, but commencement of works remains the responsibility of the contractor. The Rivers Agency was aware of this risk and would normally be flexible in bringing forward other Capital Works projects to ensure all the funding allocated is spent, avoiding the possibility of money being returned to the Department. Mr P Aldridge explained that this was not possible with Greenway due to the complexity and scale of the scheme and also by factoring in the proximity of the end of the financial year. Mr P Aldridge reassured The Council that Rivers Agency did all it could to prevent the money being returned and, along with the Minister and the Department, remained extremely unhappy with the situation.

Councillor S Clarke voiced his concerns about the significant amount of money that had been returned and questioned the effectiveness of having a partnership between Rivers Agency and the contractor asking why risk was not spread between Rivers Agency and the contractor. Mr P Aldridge detailed the savings to the public purse gained through carrying out works in partnership and the reduced disruption to the community as valid reasons for a partnership arrangement. He also pointed out that whilst the contractor had submitted a start date of January 2011 and failed to meet this date, it was not possible for Rivers Agency to seek recoupment from the contractor.

Councillor S Clarke reiterated his concerns about the partnership arrangement, and about the dangers of starting a major scheme so late in the financial year. .

The Chairman commented on the difficulties of planning schemes of this scale due to the number of partners involved. Mr P Aldridge agreed, stating that the contractor had intentions of starting works at 6 six separate locations but had revised this to 1 location. This resulted in a slower rate of spend and, due to the scheme commencing late in the financial year, provided difficulties for Rivers Agency to revisit the allocated funding and bring forward other works.

Mr P Mehaffey added that schemes would normally be carried out under Rivers Agency own procurement framework but, due to the scale of the scheme and the partnership in place, the framework was under the control of Belfast City Council.

Councillor S Clarke further noted that as being a major funder, more control should be given to Rivers Agency. The Chairman said that Rivers Agency and the Members were both dissatisfied with the situation but that nothing further could be done.

Councillor R Beggs remarked on the potential impact on future funding and queried the potential to make representations, asking who the other funders were. Mr P Aldridge stated that the Department of Social Development, Belfast City Council and the Big Lottery Fund were the other major funders. Councillor R Beggs then asked if an approach should be made to the Finance Minister for the project to proceed further. Mr P Aldridge replied that it is not be permitted within local government to move the allocated money to other partners within the project in order to ensure funding for that financial year is spent however he assured the Members that every avenue was explored by Rivers Agency to spend the money this financial year but this was not possible. Mr Aldridge stated that Rivers Agency awaited the outcome of an 'Invest to Save' bid for additional funding. Mr Aldridge commented that further opportunities to bid for additional resources will arise from future monitoring rounds.

The Chairman recognized that the Members would like to continue addressing the concerns of this situation but suggested a composite answer to any further questions. He also reminded the Members that they can address any queries via the enquiry forms provided.

Councillor A Rainey acknowledged that it was most unfortunate that Rivers Agency was seen to be handing money back in relation to works not being progressed on the Beragh scheme. He raised concern about the potential media attention and requested a record made on how the Council views the Greenway situation.

Mr T Clarke advised the Members that Planning Service is very supportive of the scheme and queried whether the scheme will continue. Mr P Aldridge confirmed that monies from the Big Lottery Fund and the Belfast City Council are secured but pointed out that the scheme would take 3 years to complete whilst being managed on a yearly budget and that sufficient resources had never been made available for a fully integrated scheme.

Councillor A Graham asked that for reassurance that no flooding will occur as a result of the lack of work. He was also commented on his own work experience on the difficulties of partnership project working and queried if the contractors had taken on too much, could this be an avenue for investigation. Mr J Clarke expressed how the Members are not alone in discomfort and dissatisfaction with the situation and Rivers Agency has apologised for the embarrassment caused. He reiterated that every effort was made to get the project started and fully funded. He continued to say that Local Government Departments are bound by strict annual budgets which makes partnership working with a Council difficult as their financial allocation is project based (running over several years in this case). The alternative of not being a partner in the project would have resulted in major disruption of recently completed environmental works (in 2011 – 14) to construct flood alleviation works (in 2011 onward). Mr J Clarke continued by saying that Rivers Agency did not have control of the project and could not dictate the speed of the work and from his experience in civil engineering, lead times can be very long. He stated that it was an unfortunate combination of events and Rivers Agency is highly unlikely to get the money handed back returned and this will have an impact on future programmes.

Councillor R Beggs asked who the contractor of the scheme is to which Mr P Aldridge confirmed that SIAC is the contractor. He then referred back to Councillor A Graham query regarding the assurance that no flooding will occurred and stated that no guarantee could be given in relation to flood risk until the work is completed.

Dr H Johnston queried the impact of financial constraints on the Agency's Asset Management Programme. Mr P Aldridge said Rivers Agency is to evaluate this and advised that introducing a large element of Direct Labour Organisation carrying out works would result in savings.

Councillor A Rainey asked if remedial works would be taken to prevent flooding in Beragh. Mr P Mehaffey informed the Members that enhanced protection works had been undertaken at Beragh but that remained a need for a full scheme.

Councillor A Graham commented that he had noticed how culverts were being replaced by box culverts rather than a round pipe culvert and asked, with flooding incidents now seeming to be consisting of deluges of water, can these culverts cope. Mr P Aldridge stated that a variety of culverts are used, based on calculations using the latest methodology whilst factoring in climate change. He added that culverts are designed for exceedance to better deal with extreme events.

Councillor A Rainey asked if a report could be issued surrounding the situation of the returned money from the Connswater Greenway project. so that he would be fully informed when reporting back to his District Council. Alderman Beggs stated that he had no intentions of discussing with Larne Council as the issue was only relevant to Belfast City Council, but stated that Mr Rainey's request could be facilitated by getting Drainage Council minutes out to the Members earlier. Mr J Clarke stated he is reluctant for a further report to be issued but will ensure further information is provided as soon as possible. The Chairman assured Mr Rainey that the minutes would reflect the tenor of the meeting. Mr Rainey ended debate by stating that he wanted his concerns recorded as the Drainage Council's position needed safeguarded.

**ACTION– Mr J Glass to arrange for the minutes of meetings to be issued as soon as feasible.**

## **6. FLOODING REPORT**

See annex B for presentation.

Mr R Cummings commented on how he was glad to see Rivers Agency providing help to the farming community. Mr P Mehaffey stated that Rivers Agency had been very active in

providing assistance to rural areas and concluded by commenting positively on the farming community's resilience.

The Chairman thanked Mr. Mehaffey for his presentation of the flooding report and complimented the Rivers Agency on their performance.

## **7. DESIGNATION OF WATERCOURSE AND MINOR WORKS FOR INFORMATION**

### U5202 Ext Salloon Drain, Ballinamallard

Mr P Mehaffey recommended in accordance with the paper in the booklet.

On the proposal of Councillor S Clarke, seconded by Mr R Cummings the Council determined that the aforementioned sections of watercourse should be designated.

### U5503 Arney Road Drain, Bellanaleck

Mr P Mehaffey proposed in accordance with the paper in the booklet.

On the proposal of Councillor A Rainey, seconded by Dr H Johnston the Council determined that the aforementioned culvert should be designated.

## **8. DESIGNATION OF WATERCOURSE AND SCHEME RECOMMENDED FOR ACCEPTANCE**

### U2504 Edenduff Drain, Shanes Castle, Antrim

Mr P Mehaffey recommended in accordance with the paper in the booklet.

On the proposal of Alderman H Nicholl, who welcomed the scheme, and seconded by Councillor J Mc Briar, the Council determined that the aforementioned sections of watercourse should be designated, and the proposed scheme should be accepted.

### Rostrevor River and Associated Works, Rostrevor

Mr P Mehaffey recommended in accordance with the paper in the booklet.

On the proposal of Dr H Johnston, seconded by Councillor A Graham, the Council determined that the aforementioned sections of watercourse should be designated, and the proposed scheme accepted.

## **9. SCHEMES RECOMMENDED FOR ACCEPTANCE**

### U3711 Sullatober Water Phase 2, Carrickfergus

Mr P Aldridge recommended in accordance with the paper in the booklet.

Alderman R Beggs enquired as to how the retention pond size was calculated. Mr P Aldridge stated that the length of time of high tide on Belfast Lough and the volume water estimated to be present in a Q100 event were the main factors used in calculating the size of the pond.

On the proposal of Alderman R Beggs, seconded by Mr T Hinds, the Council agreed to the proposed scheme.

### U3746 Four Mile Burn, Parkgate

Mr P Mehaffey recommended in accordance with the paper in the booklet.

Alderman H Nicholl welcomed the scheme but queried the build up of silt at a bridge in the vicinity at the time of the flooding in August 2008. Mr P Mehaffey confirmed that works following the flooding would have involved the removal of the silt at this location in order to reduce the risk of future flooding.

On the proposal of Alderman Nicholl, seconded by Councillor Graham, the Council agreed to the proposed scheme.

### Greenbank Sea Defence, Newry

Mr P Mehaffey recommended in accordance with the paper in the booklet.

On the proposal of Councillor J McBriar, seconded by Councillor A Graham, the Council agreed to the proposed scheme.

#### MW3117 Cappagh Mill Burn

Mr P Mehaffey recommended in accordance with the paper in the booklet.

Councillor A Graham noted that the costs of the works are close to the cost benefits figure and questioned if the works were justified. Mr P Mehaffey assured Cllr Graham that the works were justified and detailed a number of occasions that Rivers Agency has been called out to the area to provide assistance.

On the proposal of Councillor S Clarke, seconded by Dr Johnston, the Council agreed to the proposed scheme.

### **10. WORKS RECOMMENDED FOR ACCEPTANCE**

#### U5801 Brookeborough Drain, Brookeborough

Mr P Mehaffey recommended in accordance with the paper in the booklet.

On the proposal of Mr T Hinds, seconded by Alderman H Nicholl, the Council agreed that the works on the Brookeborough Drain, should be accepted.

### **11. DESIGNATION AMENDMENTS**

#### U4503 Glen River, Newry

Mr P Mehaffey recommended in accordance with the paper in the booklet.

On the proposal of Mr R Cummings, seconded by Councillor J McBriar, the Council agreed that the proposed designation amendments should be accepted.

#### U4505 Glen River Overflow, Newry

Mr P Mehaffey recommended in accordance with the paper in the booklet.

On the proposal of Mr R Cummings, seconded by Councillor S Clarke the Council agreed that the proposed designation amendments should be accepted.

## **12. EMERGENCY WORKS**

The Chairman directed members to pages 63-64 of the business book and invited Mr Mehaffey to address the Council.

### U34903 Mayobridge River, Ballyvally Road, Mayobridge

Mr P Mehaffey explained that following flooding in November 2010 in Mayobridge, a post flood investigation established that the river had burst its banks at two locations. One was at a bridge on the designated reach of the river and the other was at a bridge approximately 200 metres upstream of the designated limit. It was observed that there was a large accumulation of gravel and stones at the downstream face of the bridge on the undesignated reach. Mr P Mehaffey advised that this deposit was a potential factor in future flooding and subsequently the material was removed by Rivers Agency Direct Labour Organisation.

## **13. CORRESPONDENCE ISSUED SINCE LAST MEETING**

Mr J Glass drew members' attention to pages 65 to 79 of the business book. He advised the Council that correspondence had been sent to Councillor Michael Gillespie from the Drainage Council in relation to a query he raised on behalf of Mr Francie Molloy MLA concerning flooding issues at the Derryhirk Drain. Councillor S Clarke, on behalf of Councillor Michael Gillespie, conveyed his thanks for the response he received.

Mr J Glass drew attention to pages 69 to 79 of the Business Book in particular which related to correspondence surrounding a previous decision made at the last Drainage Council meeting. This decision was not to designate the Cranny/Carnlough River following an assessment carried out by Rivers Agency that advised there was no merit in doing so.

Mr J Glass informed the Council that the applicants had submitted an application to the Lands Tribunal to carry out a review of the Drainage Council's decision. He also stated that after liaising with the Departmental Solicitor, it was established that the applicants had

provided further information within their application to the Lands Tribunal to support their case for designation. It was noted that this information had not been provided prior to the assessment carried out by Rivers Agency in determining its recommendation to the Drainage Council as to whether or not they should designate the watercourse in question.

Mr J Glass continued to state that he now had to formally raise the issue for the Drainage Council to decide on whether it would consider the 'new' information contained in the applicant's appeal to the Lands Tribunal and review the previous determination in light of it, or alternatively advise the applicant to submit a new application.

Mr J Glass recommended that the Drainage Council did not review the previous determination as it would represent a divergence from previous practice and the requirements of the Drainage Order and could be viewed as impairing equitable treatment of all applicants. He advised the Council that the applicant should be advised that they have the opportunity to submit a new application and to ensure that all relevant evidence supporting the case for Designation is included.

Mr J Glass commented that the applicant has been made aware of this opportunity at a Lands Tribunal hearing which had taken place on Monday 14 February 2011. A new application was received on 23 February 2011 and it will be considered at the next Drainage Council meeting in June, to allow time for Rivers Agency officials to carry out an assessment. This was if the previous determination was not reassessed by the Council on the basis of the information provided in the application to appeal to the Lands Tribunal.

Mr J Glass then formally asked the Council for their consideration. On the proposal of Alderman R Beggs, seconded by Dr H Johnston, the Council agreed that the Council should not review its previous decision and that the applicant should be advised that they may submit a new application to the Drainage Council for consideration.

#### **14. AOB**

The Chairman thanked The Secretary for presenting the correspondence and asked if members had any other questions that they wished to raise.

Mr T Clarke informed the Members of progress on the Planning Bill, and in particular consideration on seeking a greater financial input from developers. He stated that an analysis of the responses from the consultation stage had been referred to the NI Executive and that he would update the Council on future developments.

Councillor A Rainey asked if there is a policy in place relating to a road running parallel to a watercourse where there is a possibility of the verge slipping away. Mr P Mehaffey commented that this issue may be more orientated to DRD Roads Service but was happy to arrange for a Rivers Agency official to attend a site visit to address any concerns.

**ACTION– Mr P Mehaffey to arrange a meeting with Councillor A Rainey to discuss the issue more in detail.**

### **Drainage Council Appointments and Re-appointments**

Mr J Glass made the Council aware that current term is coming to an end in September 2011. He advised the Council that it was intended to hold two further meetings in June and September 2011. Mr J Glass noted the upcoming local elections after which some current District council representatives may no longer be elected to their respective District Council. He reminded the members that they are appointed to serve the Drainage Council to the end of the current term regardless of the results of the upcoming elections.

Mr J Glass stated that a letter would be issued to all District Councils to address any reservations that they may have relating to having an unelected official representing them, and to determine if there were any objections to unelected members serving to the end of the Drainage Council's current term.

Mr J Glass then detailed a proposal for the next Drainage Council term to run from 01 February 2012 to 30 September 2015, with an exercise to be carried out before then to establish which of the current members would like to be re-appointed to serve another term. Mr J Glass reminded the Members that those who have served two consecutive terms cannot be re-appointed and those who wish to be re-appointed must satisfy attendance and performance criteria. Those who have been successfully re-appointed will

receive notification in January 2012 prior to the new Drainage Council term. Mr J Glass finished by stating that a recruitment competition for any remaining vacant posts will begin in August 2011 with the aim of filling the posts by January 2012.

At this point Councillor S Clarke left the meeting to attend to other business.

Councillor A Graham queried whether the structure of the Drainage Council should change following implementation of the recommendations contained in the Review of Public Administration (RPA) report. Mr J Clarke stated that the structure and the role of the Drainage Council may have to be reviewed to reflect not only the recommendations of RPA but also in consideration of the legal requirements of the EU Floods Directive. Mr J Clarke made it clear that as these two factors are not fully implemented, the Drainage Council would remain in its current form and role for the moment.

Mr J Glass also commented on the Drainage Council's status as a QUANGO and advised the Council that it was not affected by the reduction in QUANGOs imposed by Central Government.

Councillor Graham commented that the landscape is different today from when the Drainage Council was established and enquired whether there is a need for rural drainage and urban drainage to be looked at separately. Mr J Clarke advised that the EU Floods Directive requiring Flood Risk Management Plans detailing how to address flood risk to areas predominantly affects urban areas. Which is consistent with Councillor Graham's concerns the issue will be addressed in the future.

Mr T Hinds left the meeting at this point to attend to other business.

Mr R Cummings highlighted a view that the rural community felt sidelined within the current Drainage Council form. The Chairman noted that the Drainage Council had adapted over the years to deal with changes in drainage and flooding needs since its creation. Mr P Mehaffey stated that considerable resources continue to be allocated to maintenance and drainage schemes in rural areas.

### **14.3 Members Forms**

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

#### **14.4 Date & general location for next meeting**

The Secretary proposed a number of dates around mid to late June 2011 for the next meeting. After some deliberation it was agreed that the Secretariat would make arrangements for 23 June 2011 and notify members of the arrangements in due course.

The Chairman requested that the next meeting should include a site visit if possible, to allow members see some of the works carried out by Rivers Agency.

Mr. P Aldridge suggested that the Coleraine, Lodge Burn scheme may be a suitable site for a visit and consequently the meeting could be held in the Coleraine area. The Chairman acknowledged this and asked for arrangements to be made for the next meeting. He then thanked members for attending and declared the meeting closed.

#### **Meeting Closed**