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Mark Allen

Rivers Agency – role, function and responsibilities.

1 Background

The Rivers Agency currently operates as an agency within the Department of Agriculture and Rural Development (DARD), having been established on 1st October 1996 under the auspices of the then Department of Agriculture Northern Ireland (DANI).

The Rivers Agency is primarily responsible for arterial drainage and flood protection as set out in the Drainage (Northern Ireland) Order 1973¹, and this responsibility gives the Agency discretionary powers to:

- Maintain watercourses and sea defences which have been designated by the Drainage Council for Northern Ireland;
- Construct and maintain drainage and flood defence structures: and
- Administer advisory and enforcement procedures to protect the drainage function of all watercourses.

¹ [Drainage \(Northern Ireland\) Order 1973](#)

The Agency is also responsible for the implementation of the Water Environment (Floods Directive) Regulations (NI) 2009² which involves managing the adverse consequences that flooding has on human health, the environment, cultural heritage and economic activity.

In geographical terms the Rivers Agency is headquartered in Belfast and also maintains regional offices in Omagh (Western Region) and Lisburn (Eastern Region), in addition to 2 area offices in Coleraine and Craigavon. There is also a specific sub area office covering Fermanagh which is based in Ballinamallard.

2. Structure and management

The Rivers Agency is run by a management board with the following posts and responsibilities:

- **Chief Executive;**
- **Director of Operations** – responsible for operational management of the Western and Eastern Regions, Operations Support Unit, Health and Safety, Environment and Emergency planning;
- **Director of Engineering** – responsible for the programme of capital works, Design Construction Procurement, Hydrometrics, Asset management and Engineering Policy Professional Development;
- **Director of Development** – responsible for implementation of the EU Floods Directive, Mapping and modelling, Strategic planning and Advisory Planning;
- **Director of Corporate Services** – responsible for Finance, Corporate Support and Training, Policy, IT and Communications;
- **2 Non-Executive Directors** – no operational responsibilities due to being independent board members.

The Chief Executive is responsible and accountable to the DARD Minister who also sets the policy framework, resource allocation and scope of activities undertaken by the Rivers Agency.

In line with its management responsibilities and obligations the Rivers Agency produces an annual business plan which is formally endorsed by the DARD Minister and which sets out the organisations key performance targets. The Agency's annual report and accounts contain information relating to the meeting of these performance targets.

The Agency also provides secretariat and administrative support to the Drainage Council for Northern Ireland, which is responsible for ensuring the impartial and uniform

² [The Water Environment \(Floods Directive\) Regulations \(Northern Ireland\) 2009](#)

application of the River's Agency drainage and flood defence programmes throughout Northern Ireland.

The Drainage Council is an independent advisory body made up of 18 members as follows:

- 10 District Councillors;
- 1 rep from DARD;
- 1 rep from DOE;
- 1 rep from agriculture;
- 1 rep from conservation;
- 1 rep from industry;
- 1 rep from fisheries;
- 1 rep from tourism;
- 1 independent drainage specialist.

In effect, it is the Drainage Council's responsibility, through the power of designation, to decide the specific watercourses and sea defences that the Rivers Agency should be maintaining at public expense. The Drainage Council also has the power and ability to de-designate a watercourse or sea defence.

3. Resources

The most recently available accounts for the Rivers Agency covering the period of 2010-2011 show that the Agency employs 415.5 staff spanning Industrial, Administration, Professional and Technical disciplines.

The Agency's administration and running costs budget (Admin Cost Limit) was £11.6m for 2010/11 (£11.5 million for 2009/2010). The budget for the Agency's programme of capital and maintenance works was £8.74m for 2010/11 (£10.1 million for 2009/10).

Income increased slightly from £407k in 2009/10 to £409k in 2010/11.

The value of the Agency's non-current assets increased from £395m to £528m over the year. This can be attributed to a £134m increase in the value of networking assets and a corresponding £1m decrease in the value of land and buildings following revaluation exercises undertaken in 2010/11.

4. Key responsibilities

The following tables highlight the areas that the Rivers Agency is both responsible and not responsible for under its main areas of work. Data provided by the Rivers Agency Policy & Legislation Branch.

4.1 Drainage and Flood Defence

The Agency IS responsible for;	The Agency IS NOT responsible for;
Maintaining the free flow of watercourses	Water quality – this is a function of the Northern Ireland Environment Agency
Inspecting designated watercourses, grilles, culverts and sea defences.	Designating watercourses, culverts or sea defences – this is a function of the Drainage Council
<p>Applying its discretionary powers to maintain designated watercourses, culverts and sea defences. Including:</p> <ul style="list-style-type: none"> Removal of obstructions restricting free flow in watercourses Trimming or removal of bushes and trees Removal of accumulations of material which is reducing hydraulic capacity Removal of silt and weeds from channels to restore capacity for adequate drainage Repair of revetments damaged by erosion and bank slips Repairs to structures including culverts, grilles, flap valves and flood defences Removal of debris from screens and culverts 	<p>Removal of litter or fallen animals UNLESS they are creating an imminent threat of flood damage to property or land by the reducing the free flow of water. Other organisations may be responsible for removal of this matter depending on their functions e.g. NIEA may wish to remove this matter if it is causing pollution of the aquatic environment.</p> <p>Control of vermin on or around watercourses – this is also dependant on the functions of relevant organisations e.g. Councils may wish to tackle this problem if there are environmental health implications.</p> <p>Monitoring and management of coastal erosion – responsibility for this matter has not yet been allocated to an individual body in NI.</p> <p>Any damage which may happen to any land or other property through or by the accidental overflowing of any watercourse or through or by the breaking, collapse or failure of any bank, embankment, dam, sluice or other work which has been constructed, maintained, repaired or regulated by the Ministry</p>
Determining the need for and constructing flood defence (including walls, banks and other flood management measures) where it is proven to be economically viable i.e. a benefit to cost ratio of greater than 1:1.	<p>Constructing flood defences for individual properties or small numbers of properties which have not been proven to be economically viable.</p> <p>Flooding resulting from poor land drainage (which does not affect buildings) or backing up of storm water through a discharge pipe in times of high rainfall.</p>
Monitoring the condition of its assets and generating work programmes based on the condition of those assets in order to mitigate the risk of flooding.	
<p>Enhancing watercourses to cater for storm water run-off from new development (this is restricted to green field (for new) or current run-off (for redevelopment) volumes. This may include:</p> <ul style="list-style-type: none"> Increasing the size of a culvert Widening the channel Deepening the channel or Creating a staged channel. 	Funding enhancements to watercourses over and above the 'reasonable cost allocation' – it is the responsibility of the applicant to fund the difference between this allowance and the actual cost.
Enforcing Schedule 5 to the Drainage Order "Duties of occupiers with respect to undesignated watercourses etc." To protect and secure the free flow in the watercourse.	Monitoring, maintaining or managing of the navigation of watercourses. This is a function of waterways Ireland.
Enforcing Schedule 6 to the Order "Protection of watercourses" To protect and secure the free flow of designated watercourses. This includes discharge consents to regulate the volume and flow of water into watercourses.	The quality of storm water or effluent discharged to watercourses under a discharge consent – this is a function of the NIEA.
Regulates water levels on Lough Erne and Lough Neagh through the sluice gates on the Erne (in cooperation with ESB) and Lower Bann rivers. Manages a network of river gauging stations across Northern Ireland.	Providing information relating to marine life or details about where fishing is permitted / how to obtain the necessary licence etc. – this is a function of the Inland Fisheries Division of the Department of Culture, Arts and Leisure

	(DCAL).
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4.2 Flood Risk Management

The Agency IS responsible for:	The Agency IS NOT responsible for:
Implementing the Floods Directive in NI	Exercising the functions of another implementation body e.g. councils, other NI Departments, NIFRS – this is the responsibility of each individual body.
Developing a strategic flood map for rivers, the sea and surface water run-off in the development of a preliminary flood risk assessment – preliminary flood risk assessment must be prepared by 22 nd December 2011.	Identifying individual properties or small numbers of properties that may be at risk of flooding.
Providing advice to the Planning Authority on Area Plans, Planning Applications etc. In respect of drainage and flooding matters.	Allowing or refusing development or individual planning permission on the grounds of flood risk – since the Agency is not a statutory consultee this is a matter for Planning Service to determine under its PPS15.
The Agency is currently developing a regulatory regime for the safety of reservoirs in NI through the introduction of new primary legislation in order to mitigate the risk of dam failure leading to flooding. The legislation will hopefully be implemented in 2013.	Monitoring the safety of raised reservoirs – this is currently the responsibility of individual owners. Maintaining the integrity of reservoir construction – this is the responsibility of the owner or lessor of the facility.
Promoting the need for greater resistance and resilience to flooding in the construction of buildings and refurbishment of buildings in flood risk areas.	The provision of flood resistant or resilient materials – this is matter for the individual owner and the insurance industry.
Identify areas in Northern Ireland where flood risk is most significant. These Significant Flood Risk Areas (SFRAs) and will be the focus for future mapping and planning under the Directive.	Identifying or confirming whether specific buildings are at risk of flooding, the maps and information provided are general in nature.
The provision of Flood hazard and flood risk maps. These maps will provide a thorough understanding of the impact of flooding and will be an important visual tool to communicate flood risk – must be prepared by 22 nd December 2013 for areas of significant flood risk.	
A flood risk management plan will be produced for each of our three River Basin Districts setting out a framework in which measures to manage flood risk will be delivered or planned for at a local level. The aim of the plans is to manage the adverse consequences that flooding could have on human health, the environment, cultural heritage and economic activity – must be prepared by 22 nd December 2015.	

4.3 Emergency Response

The Agency provides the following services:	The Agency IS NOT responsible for:
Assistance to individuals in protecting property through the provision of temporary flood alleviation measures including sandbags and pumps in the event of flooding from rivers or the sea.	Providing assistance in the event of flooding caused by blocked road gullies or cleaning up thereafter– this is the function of DRD Road Service
Assistance to other public organisations in dealing with flood	Providing assistance in the event of out of sewer flooding

events through the provision of engineering expertise, manpower and materials in the event of serious or extreme flooding	caused by a blockage in a foul or storm sewer or cleaning up thereafter – this is the function of NI Water.
The Agency contributes to the development of and takes part in Major Incident Exercises.	Dealing with overland flows of water arising from storms.
Will assist in the management, and in some circumstances, the repair of private river and sea flood defences in emergency situations.	The rescue of people, their property, pets or livestock in the event of flooding.
	Paying compensation for loss or damage caused by flooding due to accidental overflowing or overtopping of designated defences.

5. Key Priorities 2011-2012

Within its 2011-2012 Business Plan³ the Rivers Agency sets out its key priorities for the next year as follows:

- **Floods Directive** – identify areas of significant flooding risk and convey this information to the public;
- **Flood Alleviation** – construction and maintenance of flood and sea defences;
- **Advisory and Enforcement work** – work with Planning Service on drainage and flood protection aspects of Development Plans, and continue to be actively involved in the review of PPS15 in order to bring it into line with the Floods Directive;
- **Asset Management** – develop and deliver Asset Management Plans to maintain culverts, sea defences and fluvial defences;
- **Water Level Measuring** – monitor and measure river flow and provide data to NIEA and NI Water;
- **Water Level Management** – managing, insofar as climatic conditions allow, the water levels of Lough Erne, Lough Neagh and stretches of the River Bann and River Lagan. Also proposed to review the operating regime controlling the levels of Lough Erne within the current legislation, taking environmental, navigation and drainage interests into account;
- **Maintenance** – carries out cyclical inspections to designated watercourses, and culvert inlet grilles;
- **Health and Safety** – ensure adherence to all Health and Safety legislation and endeavours to create a safe working environment both for staff and in areas accessible to the public;
- **Environment** – carry out works in an environmentally sensitive manner;
- **Reservoir Safety** - progress legislation to introduce regulation of reservoir safety.

³ [Business Plan 2011-12, Rivers Agency](#)