



Northern Ireland  
Assembly

Committee for Agriculture and Rural  
Development

# OFFICIAL REPORT (Hansard)

Rivers Agency Business Plan 2012-13

25 September 2012

# NORTHERN IRELAND ASSEMBLY

## Committee for Agriculture and Rural Development

Rivers Agency Business Plan 2012-13

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**Members present for all or part of the proceedings:**

Mr Paul Frew (Chairperson)  
Mr Joe Byrne (Deputy Chairperson)  
Mr Thomas Buchanan  
Mr Trevor Clarke  
Mrs Jo-Anne Dobson  
Mr Chris Hazzard  
Mr William Irwin  
Mr Declan McAleer  
Mr Oliver McMullan  
Mr Robin Swann

**Witnesses:**

Mr Jeff Glass	Rivers Agency
Mr David Porter	Rivers Agency

**The Chairperson:** I welcome David Porter, director of development, and Jeff Glass, director of corporate services, to the Committee. I am sure that you have a presentation.

Before you start, I pay tribute to the Rivers Agency and its work during the flooding incident in the Braid valley last night, in and around the Broughshane area. The floodline number was given to a lot of people in four or five developments. Within an hour, the Rivers Agency was there with sandbags. It was very, very quick off the ground. Roads Service came in behind it, as did the community association. I must say that the interaction Rivers Agency had with the community association was very good. It was able to deliver 300 sandbags to the Broughshane community centre for the community association to distribute. It was an absolutely excellent display of emergency tactics and deployment. Credit goes to the Rivers Agency on this occasion. It would be remiss of me not to say that and to then hammer you on some other occasion when you did not pull through for us. *[Laughter.]* Only one house in the Broughshane area was really badly affected, so credit to the organisation, and a special mention to Stephen Todd, who organised things on the ground in his wee van while his men were out delivering sandbags. Credit to you.

**Mr David Porter (Rivers Agency):** Thank you for those remarks. We will pass on that that was mentioned, particularly to Stephen. We genuinely try our utmost in every flood event, and it is nice that that is recognised. This time we were able to cope, and I think that people on the ground recognised that. No less of an effort is made on all the other ones, but, sometimes, the event is just too big for us to deal with. Your comments are very welcome.

**Mr Jeff Glass (Rivers Agency):** Good afternoon. I will start off. As was said during the introductions, I am Jeff Glass, and I am the director of corporate services in the Rivers Agency. With me is David Porter, the director of development in the agency. The purpose of this afternoon's presentation is to give the Committee an overview of the Rivers Agency business plan for 2012-13.

To give you some background, the business plan was developed based on an opening budget allocation of just under £19.5 million for 2012-13, of which we had a capital allocation of just under £4 million. Since then, the agency has bid for and received additional funding through the June and post-June monitoring rounds. Our allocation has now increased to just over £22 million and our capital allocation has gone up to £6 million. That capital funding for 2012-13 will allow the agency to undertake drainage infrastructure and flood alleviation works, including the Coleraine Lodge Burn scheme, which has now been completed, and further schemes at Portna on the lower Bann, east Belfast and Ballygawley. The Ballygawley scheme has not yet started. It has gone out to tender, and work should be starting in November.

I suppose that three main factors have influenced the business plan for 2012-13. The first of those is the key steps to implement the requirements of the EU floods directive. Those will be taken forward throughout 2012-13 with assistance from other Departments and responsible authorities. Secondly, the agency will continue to progress legislation to introduce reservoir safety regulations. That is the next agenda item, and David will give you more information on that then. Thirdly, the agency's top priority — the Chairman alluded to it — is reducing flooding risk and minimising the damage caused by flooding. That will continue to be a priority for the agency throughout 2012-13 and beyond. Those details are set out in the foreword to the business plan.

More details are given about our business priorities for 2012-13 on pages 4 to 9 of the business plan, and those are reflected in our key objectives and performance targets on pages 10 and 11. In addition, the agency's activities contribute to delivering improved, sustainable environmental outcomes, which is a goal in the Department of Agriculture and Rural Development's (DARD's) corporate balanced scorecard for 2012-13. Included in the performance targets for 2012-13 are four targets from that scorecard. Those are the introduction of the draft Reservoirs Bill, which, again, David will talk about later; the completion of at least 60% of the maps and the commissioning of three flood risk management plans as part of the EU floods directive, which is target 2.1 in our plan; the provision of enhanced flood protection to 15,500 properties; and the construction of infrastructure to offer flood protection to 66 properties at Lodge Burn, Sullatober Water in Carrickfergus and a number of other projects. All the works that we do are based on the amount of capital funding we get. So, the number of properties we can protect is related to the amount of funding we receive

The number of targets for 2012-13 has decreased from 18 to 17. However, 14 of the targets are similar to those that we had in 2011-12, while three targets are new for 2012-13. I have already touched on two of those new targets, which are to maintain infrastructure to provide enhanced flood protection to 15,500 properties and to construct infrastructure to offer enhanced flood protection to 66 properties. One that I have not touched on is to support the Drainage Council's review of the existing criteria used for the designation of watercourses. That is target 7.3.

Rather than going through each target one by one, it is probably easier for David and me to take any questions that you have on the targets or the business plan. Hopefully, I will be able to deal with any queries you have. That was really all that I was going to say on the business plan at this stage. Thank you.

**The Chairperson:** Have you any plans, obviously not within this timescale, with regards to the relocation of HQ? I know that you are distributed among the regions in various places but as regards your HQ, have you any plans, as Forest Service did or is doing, and obviously DARD HQ itself at Ballykelly? Is that in the foresight of the agency?

**Mr Porter:** It is, in that we are part of the DARD headquarters relocation. So, the numbers at Rivers Agency headquarters at Hydebank are included in the case to move to Ballykelly. We are part of that ministerial decision, so we are part of that process at this time.

**The Chairperson:** How many personnel do you have at Hydebank?

**Mr Glass:** About 70. Our other staff are based at regional offices.

**The Chairperson:** Yes. I do not necessarily need it now, but can you get us the breakdown of the range of personnel you have out of that 70?

**Mr Glass:** Yes.

**The Chairperson:** That is just for the Committee's use.

In the business plan, you talk about 15,500 properties with regard to maintaining the infrastructure to provide enhanced flood protection. Where are those properties? Belfast would eat up that number very quickly.

**Mr Porter:** For a little bit of background to that figure, the strategic flood map shows that 46,000 properties are at flood risk from rivers and the sea, of which about a third benefit from defences. Those are the 15,500. They are spread across Northern Ireland. About 10,000 of those 15,500 are in greater Belfast. The other 5,000 are spread, pretty much uniformly, across the whole of Northern Ireland. Each town has some sort of flood defence, culvert or sea defence offering protection to those properties.

**The Chairperson:** Are we content that what your strategic flood maps tell you now is up to date and accurate? I know there is a job of work to enhance them.

**Mr Porter:** That is correct.

**The Chairperson:** Are we sure that what we have is fit for purpose and will identify need?

**Mr Porter:** Yes. The 46,000 and 15,500 are our strategic figures. Those will remain. Even though we are doing more detailed work, that strategic overview or look at the risk will remain. We are producing detailed flood outline maps for the areas at significant flood risk. If you recall, I came to the Committee and explained the process of identifying those significant flood risk areas. We have 20 of those that we will report to Europe. We had a further 44 that we identified through the process as areas for further study. They will get those very detailed flood maps as well, but those do not supersede the strategic flood map. They drill down and provide more detail. You cannot zoom down on the strategic flood map to see the individual risk to your property. If you are in one of these significant flood risk areas, you will be able to drill down, look at your property and see not only a flood outline but there will be a level and velocity on it. So, you will get very detailed information about exactly what risk is faced and, therefore, what measures you need to take.

**The Chairperson:** Thank you very much for that detailed answer. My final question, then, is around the time lost due to work-related accidents. Do you see that as a major issue within the Rivers Agency, and what do you put that down to?

**Mr Porter:** Historically, our figure was higher. About five years ago, we made a concerted effort to train people. We introduced the health and safety pocket book and looked at developing specific training based on our work practices rather than introducing generic training to Rivers Agency staff. We can track the improvement since that was introduced. We have held our figures at a much lower rate than has been the case historically.

We have to recognise that we are, in essence, part of the construction industry. It is a hazardous industry involving manual labour and plant and machinery, which offer particular risks. So, we are continually working to keep the number of accidents as low as possible. They have risen this year slightly, and we have taken the decision to put the target for this year to amber: our target was seven and we are at six.

Thankfully, when we look at the detail of some of those accidents, we can see that they are still relatively minor in that there have been a number of lacerations to people's hands. Such accidents are bad for the individuals involved, but they could be much more serious, so we are quite pleased that our numbers are relatively low, that the incidents we are dealing with are relatively minor, and that people are not having long-term problems as a result of an injury at work.

**Mr Byrne:** Thank you for the presentation. Like you, I welcome the scheme at Garvan Park, Glebe, Sion Mills, and I thank Una McGurk, the engineer who implemented the scheme.

There has been flooding in Beragh in two of the past four years. Where are we with the Beragh flood relief scheme? There is still a great deal of concern that, as we head into the winter, the horror people experienced could be revisited.

My last question is about the design and forward planning team. About a year ago, there was a public meeting in Beragh. Before and after that meeting, some officials said, off the record, that one of the biggest bottlenecks in the Rivers Agency was the design and forward planning team. Is that still a bottleneck? Has it been addressed? I am told that more schemes could be brought forward if we had a bigger design team.

**Mr Porter:** Thank you for your kind remarks about Una, which I will pass on to her. She will be pleased to hear them.

There was a public commitment by the Minister that the Ballygawley scheme would be started this year and that the Beragh scheme would be started next year. That remains our position, and we are working towards that.

We put more staff into our in-house design team, primarily as a result of Budget 2010 and the consequences of that. We had a reducing budget and, therefore, did not have a sizeable enough pot of money to put out significant schemes externally. We realised that this was an opportunity for us to bring more staff into our in-house design team, because they could tackle some of the smaller jobs that we needed done. We have taken a conscious decision to put more staff into that team. So, hopefully, in years to come, you will see some of those schemes moving forward.

**Mr Buchanan:** Will moving the headquarters at Hydebank, as part of the movement of DARD headquarters, have any effect on the regional offices in Lisburn and Omagh and the area office in Coleraine? Will it have any effect on staff there? Will there be any change in those offices?

Obviously, I welcome the Ballygawley scheme and the work in Sion Mills. Joe mentioned the Beragh scheme, which gives us some concern. The Minister made a commitment that it would commence next year. Where are we with the design for all of that? Although the Minister gave a commitment, at the time some staff were a bit apprehensive that it could be done or would be ready for commencement in the time frame that the Minister set out. They were saying that the Minister had given a time commitment but that there was a heck of a lot of work to get done in design and so forth before work started. How far are you on with all that design? Are you up to speed so that you will be ready to get started next year, as the Minister promised?

**Mr Porter:** There will be no change to the regional offices as a result of the potential move to Ballykelly. I would put a caveat on the Coleraine office. I am not sure how that will play out, because we are not far enough into the process to work out whether it makes more sense to have those staff located in Ballykelly as well, given the close proximity to Coleraine. We are unsure about that at this time. We have no intention of even considering the regional offices in Omagh and Lisburn as part of the move of the headquarters.

You also asked about Beragh. At the stage at which we gave that commitment, we had to work out whether we had sufficient resources. To build on the answer I gave earlier, we brought in additional resources to ensure that we have Ballygawley and Beragh started, as per the commitments. For instance, we have brought five additional graduate trainees into the Rivers Agency. Before those commitments, we did not have that on our recruitment plan, and we have brought those people in, recognising that we have these schemes to deliver. We are content that we have the staff to deliver the schemes.

**Mr Clarke:** Thank you for your presentation. You said something about the business plan and your support for the Drainage Council and change of its criteria. What exactly is that change? If you are supporting it, I hope that you are going to make it more useful for some of the undesignated courses.

**Mr Porter:** The question about the criteria was raised with the Minister a number of times, and the Minister asked the Drainage Council whether it was content with the historical criteria it uses for designation. It was also an opportunity, because we had a new Drainage Council; so, in the induction, we set out the historical approach and asked members to satisfy themselves that it was still appropriate for the situation that we see ourselves in. That has been confirmed; they are content. However, I stress, and we stressed it very much to the Drainage Council, that each case has to be ruled on its merits.

The criteria are not based in legislation; they are merely guidelines, and it is entirely up to members of the Drainage Council to weigh the pros and cons of any decision. We will give the Drainage Council a recommendation, but responsibility for taking the ultimate decision still rests with the Drainage Council, and we were very clear on that. It can choose to designate any watercourse based on requests presented to it.

**Mr Clarke:** Perhaps I misunderstood your presentation, but it was presented to me that there was a change in the criteria. Your words were that you would support the Drainage Council and change the criteria, but you are really saying that there is no change to the criteria.

**Mr Porter:** No. The Drainage Council was content with the historical criteria. Therefore, there was no change to the criteria, and the Drainage Council satisfied itself that they were appropriate.

**Mr Clarke:** Did you have a target in relation to that matter?

**Mr Porter:** The target was to support the Drainage Council in its consideration, not to support the change, because that was not within our gift. The change, and the ability to change the criteria, was for the Drainage Council. We provide the secretariat to the Drainage Council; the Drainage Council is not part of the Rivers Agency.

**Mr Clarke:** Chairman, we are really saying that there were 18 targets previously and that we are down to 17. One of those targets was not really a target, because you are only supporting the Drainage Council to make or not make a decision. It was not really an ambitious target set by the Department.

**Mr Porter:** It was a public statement of the fact that there was an ongoing review by the Drainage Council, and it was recognising the work associated with that. I accept that in the range of all of the other targets, it is not the most significant, but it is a public statement of the work that we had to do in relation to the Drainage Council.

**Mr Clarke:** I have another question, Chairman, if you permit it. Is the figure of 15,500, in relation to the properties at risk, down from the previous figure?

**Mr Porter:** No. The 46,000 and 15,500 figures are figures that have been in the public domain for a number of years. Those figures have not changed.

**Mr Clarke:** And is that still the same target?

**Mr Porter:** Yes, because the infrastructure cannot protect any more or any less. It is those 15,500 that it protects. That is a matter of fact. A wall protects a certain area, and there are a certain number of properties within that area.

What we are trying to communicate is the benefit, in real terms, of the maintenance work that we carry out to our assets. That is what we are trying to communicate. We continually struggle with how best to get that message across. If somebody can come up with a better way, we would be only too happy to hear that, because, to be honest, it is one that we struggle with as well. We are trying to communicate what the agency does in real terms so that the public can recognise and understand that without having to come and see what we do on a day-to-day basis.

**Mrs Dobson:** I also thank you for your presentation. Before I get to my main question, will you outline the hurdles you have to overcome when attending a flooding incident as a result of there being four different Stormont Departments with responsibility for public water policy?

**Mr Porter:** The first challenge is that our system is reactive. We have a flood incident line and direct numbers. We generally do not know which areas are being flooded. We respond to requests for assistance. That tends to be the biggest challenge, because, when there is a flood, it happens quite quickly and is quite widespread, and there are a large number of calls to handle. From that information, we then need to distil where we can be of most value. It has to be recognised that we can add very little benefit to houses that are already flooded, and by being at those houses, we may be missing the fact that a grill needs cleared or a blockage needs removed, either of which may cause a flood event. We are faced with a lot of information and have to try to work out where we can do the most good.

The next challenge, certainly with larger flood events, is that we very quickly get to a point where our resources are exhausted, because we will have distributed our squads and have as much manpower on the ground as possible, but there are more demands. Certainly, in the bigger flood events, there are more demands for assistance than we can supply. We just have to do our best in those situations. So, some quite significant challenges are embroiled in that.

**Mrs Dobson:** Do you feel that the allocation of responsibility is sustainable? Would it not be better to have just one responsible body?

**Mr Porter:** There has been an age-old debate about whether we can have a single body. I do not see us ever having a single body given the individual responsibilities involved. The issues around the potential for Northern Ireland Water to introduce water charging and around making sure that it does not have Crown immunity in the event that there is a spill are all related to the response and some of the EU legislation. Having a single body responsible for river flooding and out-of-sewer flooding would be problematic. However, the bodies certainly could work more closely together.

**Mrs Dobson:** Do you feel that there are barriers to communication between the four bodies when an incident occurs?

**Mr Porter:** There tends to be very good communication. If you look at the June event initially, you will see that it was not exactly clear what type of event that was and who should be in the lead. An event such as that tends to cause surface-water flooding, which tends to impact on road drainage and on our sewerage network. With hindsight, when we analyse the event, we can see that it also impacted on our urban rivers. At an early stage in the event, we had to decide which body would take the lead. Would it be Rivers Agency in DARD, or Northern Ireland Water or Roads Service in the DRD? Those types of things certainly tend to cause us some problems. The Executive announced that they were going to carry out a review. That is at a very advanced stage, and we await the outcome.

**Mrs Dobson:** Finally, in your report, you mentioned the requirements for a co-ordinated approach between agencies, councils, Northern Ireland Water, the Fire and Rescue Service, and the public. Is that happening in practice?

**Mr Porter:** That was in relation to the implementation of the EU floods directive. We have quite a number of different tiers of engagement. At an interdepartmental level, we have the floods directive steering group. We then have a Northern Ireland-wide floods directive stakeholder group, comprising government plus NGOs plus interested parties. We are just about to start to escalate that down to river-basin level where we will have local groups; and individuals and those affected will start to engage with us in the formation of our flood risk management plans. The high-level, medium-level and local-level approach leads to good communication and gives people the opportunity to become engaged with us.

**Mrs Dobson:** Can you appreciate that those arrangements can be confusing for the public?

**Mr Porter:** Yes, they can be.

**Mrs Dobson:** What changes could and should be made to better enable the agencies to work together to help the public?

**Mr Porter:** I will defer that question, because that, specifically, is one of the things that PEDU is looking at, because the Executive asked specifically for the co-operation and communication between agencies to be reviewed. I know that it has been reviewed, because I have been asked questions about it by the PEDU team, and we are anticipating that that will be in the final version of the report. However, we await that to be cleared by the Executive.

**Mr McMullan:** I, too, thank you for your presentation. I want to go back to the last flooding incident and bring up a point before we start. Quite a lot of the flooding is being called flash flooding. I think that that term should not be used at all, because we are not having flash flooding here. There was flooding last night, and it was not flash flooding; you could put it down to climate change or something else.

With regard to the flooding issues in the glens, the Minister set aside money for flood alleviation. She set aside money for three areas, and the glens was one of them. We had to pull a meeting together

ourselves to see where the agencies were on it. It was not what you would call a momentous meeting. When are we going to put a programme together for that area to be looked at? From what I gather, the budget set aside for flood alleviation has been allocated to two programmes already, and what is left is what we are going to get in the glens. The agencies have still not come up with their plans; they say that they have not received instructions to start from on high. I find it incredible that it has not filtered down yet. Could you go away today and see what is happening with that and come back to me on it?

**Mr Porter:** Yes.

**Mr McMullan:** We run the chance of losing that money if we do not put a programme together? We will have to.

The designation of water courses is a big problem. I raised a problem here before, and it went to the Drainage Council and was turned down. I came back to you again with it, and you were supposed to take it away and come back to me, but I never heard from you since. It relates to the Cranny river in Carnlough. It is the only —

**Mr Swann:** That is constituency specific here: come on.

**Mr McMullan:** Are you in a hurry? Do you want to go now? Sorry, Chair, I am asking a question, and that is what I am here for. Now, if it is bothering somebody, I would not dare do that on them, because that is the height of ignorance. I will be very quick, but I will not be rushed through my question like this.

**The Chairperson:** Are you finished, Oliver.

**Mr McMullan:** No, I am not finished, Chair.

**The Chairperson:** Are you finished with respect to this point?

**Mr McMullan:** I am nearly finished with this point, before I go on to my last point.

**The Chairperson:** I will give you time.

**Mr Swann:** Sorry, Chair, I will take your guidance on this, but I thought that when we brought bodies in here, it was to deal with Committee issues, and that we were to deal with constituency issues as constituency MLAs and not as members of the Committee.

**The Chairperson:** Certainly, we do not want to go into constituency issues. However, if you can make your point in a principled way with regard to an example —

**Mr McMullan:** If you bear with me on the designation point I am making.

**The Chairperson:** You can use a constituency issue as an example.

**Mr McMullan:** No, Chair, it is not a constituency issue; it is a designation issue, and the gentlemen will bear that out. It is this bit about supporting the Drainage Council on its designation policy. Who sets that policy and when can it be changed?

If we are supporting the Drainage Council — and I do not knock you for that — there has to be something in there through which the designation policy can be changed. That is what I am saying. I am only using Carnlough as an example — always wait until the question is finished. I would like to know when the policy can be changed. Plenty of people have made arguments to change the policy on their own basis, but those arguments to change it have never been taken on board. I feel that the policy is being driven by funding rather than by looking at those areas.

**Mr Porter:** First, I agree that last night was not flash flooding. We would not describe it as flash flooding. I would describe what we saw in June as flash flooding, when we had very high intensity rainfall over a short duration, particularly when it hit an urban area. We try not to use the description of flash flooding across every event because there are different types of events. We accept that point.



In relation to the glens meeting, my understanding from the readout on that was that the issue does not rest with Rivers Agency. There were drainage deficiencies or the potential for some works to be done either on the storm water system or on road drainage, and it was left to the DRD to take that away to consider. That was my understanding of the readout and from discussing it with the area engineer who was there that evening.

In relation to the designation criteria, Jeff will talk about the Cranny river in a second, but you asked about who sets the criteria or the policy. It is not actually a policy; it is a guidance document. As I said earlier, the Drainage Council is told very clearly that it must consider each case on its merits. If the policy were too strict and did not fit a particular example, it might have to be excluded. Broad guidelines are given — and you are free to write to the Drainage Council if you feel that the current criteria it uses does not bring in that situation. I know that you have done that, and I know that the Drainage Council has considered it, but it feels that the current guidance is still appropriate for its decision making. I know that that is not much comfort to you, but at least your thoughts were considered by the Drainage Council. However, it was content with its current arrangements.

I think that Jeff has something on the detail of the Cranny river.

**Mr Glass:** I am secretary to the Drainage Council. That communication went to the Drainage Council and, as you said, it was put for designation and was rejected. Again, I think that the outgoing chair Gerald Crawford was to arrange to meet you to talk about it. I think that he has been in contact with you a couple of times and either he was on holiday or you were on holiday, so I am not sure whether that meeting ever took place. I think Gerald tried to contact you.

**The Chairperson:** We will not delve into a constituency matter.

**Mr McMullan:** The issue with designation is that we should consider the fact that the change in weather patterns and in environmental patterns are adding to this problem. You may want to revisit the designation guidelines because of the change in weather patterns year on year.

**Mr Byrne:** I have another wee question. In relation to the policy issue regarding major planning applications for major developments, the Rivers Agency would obviously be regarded as a statutory consultee. How much advice is taken in relation to building and otherwise regarding the commentary that you guys have made? There is a feeling that in some cases developments that were regarded as being risky went ahead. How definitive is your statement or commentary on these applications?

**Mr Porter:** Our planning policy is determined by PPS 15, which is the DOE planning policy that we feed into. On major developments, there would generally be a requirement for flood risk assessment. As professional advisers within government, we assess that and then give advice to the Planning Service as to whether the right things are being considered and whether the conclusions are reasonable.

**Mr Byrne:** Would the advice given now be more precautionary than it would have been five years ago?

**Mr Porter:** It is probably the same, in all honesty. What has changed is in some of the technology that we have to define where the flood plain is located. Technology is helping us to define that better because we are getting more sophisticated models, but our precautionary approach has not changed. There is still a presumption against development on river flood plains in Northern Ireland. That will remain our position because evidence shows that that is a very good approach.

**Mr McMullan:** There are 5,000 houses outside the greater Belfast area. That number has not increased in the past two terms. There is no building going on in those areas. Are those the flood plains that you are talking about?

**Mr Porter:** Yes, those are within the flood plains. A key part of the agency's work is to make sure that we give good quality advice to the Planning Service so that it can make informed decisions. We recognise that keeping houses out of flood plains is the most sensible thing to do. Therefore, we put a lot of effort into that to make sure that that is the case.

**The Chairperson:** You talk about houses in flood plains, but part of a development could well be in a flood plain, which means the road infrastructure and even the gardens of houses. Can you clarify that position for me?

**Mr Porter:** PPS 15 also defines the developed area as the paved area and the roads. I know of examples where landlocked, or potentially landlocked, portions of ground cannot be developed because the access road crosses a flood plain. Therefore, the area does not just include the dwelling house. There has to be some compromise to green space because getting wet does not really cause long-term harm. Therefore, we try to encourage developers, where they are trying to bring in green space, to try to get that into the area that is at flood risk in order to maximise the development potential for the area outside the flood plain.

**Mr Swann:** Gentlemen, thanks for your presentation. With regard to your business plan for 2012-13 for the body that has obligations to manage water levels in Lough Neagh, what involvement has the Rivers Agency had in the consultation or in the establishment of the working group that is looking into the privatisation of Lough Neagh by the current Minister?

**Mr Glass:** In respect of the consultees, the working group is made up of six core members. There are two members from DARD, one from DCAL, one from the DOE, one from the DRD and one from DETI. Each of those organisations was asked to identify what they would call their key consultees. A list was then drawn up of 60 consultees, and a questionnaire was issued to them and they have been asked for comments. That feedback is ongoing at the minute. The Rivers Agency acts as secretariat to the working group.

**Mr Swann:** So, that consultation is already out?

**Mr Glass:** Yes.

**Mr Swann:** What is the time frame on it?

**Mr Glass:** It is due to be back at the end of this week.

**Mr Swann:** Chair, did the Committee see that consultation?

**The Chairperson:** No, I do not believe that we did.

**Mr Glass:** It is an informal consultation. Deadlines have been set, and the Minister has to report back to the Executive by November. The next meeting of the working group is scheduled for October, so, in order to inform the group and have some information, it was agreed by the working group that we would look at what were regarded as the key consultees for each Department in order to get some information back.

**Mr Swann:** I express concerns here that the working group is made up of civil servants who have nominated a closed group of consultees who were sent out a consultation that this scrutiny Committee never had sight of, and that that consultation is going to feed back. My concern is where the document is going to go after that. Is the Minister going to present it?

**Mr Porter:** It is worth pointing out that this is just the scoping exercise to see how big a task we are taking on. This is not a public consultation on whether it is a good idea or a bad idea to have Lough Neagh in public ownership. This is merely to work out the size of the task we are taking on and, therefore, to inform us whether it can be done internally by government or whether it is better done by a consultant or an independent expert, or what the way forward is. It is more about views on that, as opposed to the long-term use of the consultation in the future that will be informed by the scoping document.

**The Chairperson:** Again, we as a Committee can write to the Minister to ask for an update, because it went through the House.

**Mr McAleer:** I have a question about flood defences. I do not know whether many other members feel the same, but, as a councillor, I know that we would occasionally flag up the issue of rivers being eroded and the potential in that for property damage. My experience is that Rivers Agency tends not

to get involved with taking any measures until a property is literally about to fall into a river, and I think that it can sometimes leave it too late. I do not see how it is any more cost-effective to leave a property until it is in imminent danger. Is there any potential for that to be reviewed? What is the rationale for that in circumstances when you can see it coming, so to speak?

**Mr Porter:** Historically, we would have carried out bank-erosion works on a very wide range of erosion situations. We have had to tighten that up; availability of funding means that we cannot continue. The second thing that we recognise is that the erosion of rivers is a natural process. Although we, as engineers, think that we can train a river, it tends to go where it wants. The policy was revisited about three years ago and was tightened up to apply to just where property is at risk. I accept that there is a point at which an engineer would look at it and say that it is not really at risk, and they might want to see how the situation progresses. We can look back many times on some of those situations with hindsight and say that if we had stepped in quicker, we might have been able to do something. Your point is accepted. The policy was recently reviewed, and it is viable just where property is at risk. We cannot widen it beyond that.

**Mr Irwin:** I have a further comment on what our Deputy Chair said about planning applications and Rivers Agency consultation on those. Rivers Agency provided a 100-year flood map. I have found individual cases where areas that have never, ever flooded are marked in the map as a flood risk. Is Rivers Agency being ultra cautious about the risk?

**Mr Porter:** It is often more that it is good fortune that those areas have never flooded. They are still predicted to flood, but they possibly have and nobody noticed — perhaps it happened at night — or the river system may have changed. Maybe the system just has not had a 100-year event; that is entirely possible. So, we are quite content that our flood map is a strategic assessment of the flood risk. As part of the planning application process, we are quite content for that to be challenged and for people to say, "I have done a little bit of work here, and my engineer says that the flood plain actually looks slightly different."

I will go back to what I said about the detailed maps that we are preparing on the floods directive for 2013 and the areas that are at significant risk. That will be publicly available; we will give out that very detailed information. That will certainly help to inform people. You will be able to look at the strategic flood map, and, if it is marked in an area coloured blue, it is flagging up that you might need to do a little bit more work. You will then be able to drill down to the more detailed map and see exactly the depth and velocity and the more accurate impression of the flood outline. We recognise that it is a strategic-level approach. It produced a map for the whole of Northern Ireland, and there are some basic assumptions in there. On some occasions, they produce a flood outline that is not entirely accurate, but there is a system in the process for that to be challenged. For planning approval, it is not just a blanket "no" if you are in that area. If you can provide information that proves or informs us otherwise, we will certainly take that on board.

**Mr Irwin:** Is that a recent map? Was it done in recent times, or is it —

**Mr Porter:** The strategic flood map was launched in 2008. An update in December 2011 refreshed it a very small bit; you would not notice it if you were looking at it. I know that various things on it have been updated, but you really would not notice significant changes to it. The next thing that you will notice is the roll-out of the detailed maps. We have to have those done by December 2015 to satisfy Europe. Rather than waiting until then and releasing the whole lot, we intend, a year before — December 2014 — to put out the first tranche, and then, six months after that, to put out the second tranche with a view to having the final batch out and made publicly available for December 2013.

**The Chairperson:** OK. There are no further comments.

**Mr Buchanan:** I have one issue, Chair. I know that you put flood mitigation measures in place in some areas to stop the problem there, but can that be done without pushing the water further downstream and maybe causing flooding in other areas that were never prone to flooding?

**Mr Porter:** We always have to look at downstream worsening. If we make the water move quicker, it arrives somewhere else quicker, and if there is a restriction in the channel downstream, you will increase the size of the flood plain downstream. So, as part of our schemes, we have to look at how we are changing that river network and we have very detailed and complex computer models that can put in various options to see what, on balance, is the best decision. We always have to accept that

there is not necessarily one ultimate and right decision or solution that stops everything. However, everything is looked at on balance, and we accept that, by protecting one area, you transfer the risk to somewhere else. The trick is to make sure that the place that you transfer the risk or water to can receive it and that it does not move the problem from one person's front room into someone else's — that is no solution.

**The Chairperson:** Thank you very much. David, I think that you are staying to be joined by Averil for the session on the Reservoirs Bill. Jeff, thank you very much for your attendance.